

# **EXHIBIT KK**

## **Deposition of Raymond Kelley**

**FREEDOM COURT REPORTING**

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 NORTHERN DIVISION 4 5 CASE NUMBER: 2:05-CV-1150-T 6 DANIEL BRYAN KELLEY, 7 Plaintiff, 8 vs. 9 RICKY OWENS, ET AL., 10 Defendants. 11 12 STIPULATION 13 IT IS STIPULATED AND AGREED by and 14 between the parties through their respective 15 counsel, that the deposition of Raymond 16 Kelley may be taken before Sara Mahler, CSR, 17 at the Coosa County Courthouse, at 100 Main 18 Street, Rockford, Alabama 35136, on the 24th 19 day of September, 2007. 20 21 22 DEPOSITION OF RAYMOND KELLEY 23</p>	<p style="text-align: right;">Page 3</p> <p>1 ***** 2 INDEX 3 EXAMINATION 4 PAGE 5 By Ms. McDonald ..... 6 6 By Mr. Willford ..... 98 7 8 (No exhibits were marked) 9 10 ***** 11 12 13 14 15 16 17 18 19 20 21 22 23</p>
<p style="text-align: right;">Page 2</p> <p>1 IT IS FURTHER STIPULATED AND 2 AGREED that the signature to and the reading 3 of the deposition by the witness is waived, 4 the deposition to have the same force and 5 effect as if full compliance had been had 6 with all laws and rules of Court relating to 7 the taking of depositions. 8 IT IS FURTHER STIPULATED AND 9 AGREED that it shall not be necessary for 10 any objections to be made by counsel to any 11 questions except as to form or leading 12 questions, and that counsel for the parties 13 may make objections and assign grounds at 14 the time of the trial, or at the time said 15 deposition is offered in evidence, or prior 16 thereto. 17 IT IS FURTHER STIPULATED AND 18 AGREED that the notice of filing of the 19 deposition by the Commissioner is waived. 20 21 ***** 22 23</p>	<p style="text-align: right;">Page 4</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 NORTHERN DIVISION 4 5 CASE NUMBER: 2:05-CV-1150-T 6 DANIEL BRYAN KELLEY, 7 Plaintiff, 8 vs. 9 RICKY OWENS, ET AL., 10 Defendants. 11 12 BEFORE: 13 SARA MAHLER, Commissioner. 14 APPEARANCES: 15 RICHARD STOCKHAM, ESQUIRE, of 16 STOCKHAM, CARROLL &amp; SMITH, 2204 Lakeshore 17 Drive, Suite 114, Birmingham, Alabama 35209, 18 appearing on behalf of the Plaintiff. 19 KRISTI MCDONALD, ESQUIRE, of 20 MCDONALD &amp; MCDONALD, 1005 Montgomery 21 Highway, Birmingham, Alabama 35216, 22 appearing on behalf of the Defendants, Wendy 23 Roberson, Terry Wilson, Al Bradley.</p>

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## FREEDOM COURT REPORTING

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<p>1 APPEARANCES (Continued):</p> <p>2 GARY L. WILLFORD, JR., ESQUIRE, of</p> <p>3 WEBB &amp; ELEY, 7475 Halcyon Pointe Road,</p> <p>4 Montgomery, Alabama 36124, appearing on</p> <p>5 behalf of the Defendant, Ricky Owens.</p> <p>6 ALSO PRESENT: MARY WANDA KELLEY</p> <p>7 TERRY WILSON</p> <p>8 *****</p> <p>9</p> <p>10 I, SARA MAHLER, CSR, a Court</p> <p>11 Reporter of Wetumpka, Alabama, acting as</p> <p>12 Commissioner, certify that on this date, as</p> <p>13 provided by the Federal Rules of Civil</p> <p>14 Procedure and the foregoing stipulation of</p> <p>15 counsel, there came before me at the Coosa</p> <p>16 County Courthouse, 100 Main Street,</p> <p>17 Rockford, Alabama 35136, beginning at 10:00</p> <p>18 a.m., Raymond Kelley, witness in the above</p> <p>19 cause, for oral examination, whereupon the</p> <p>20 following proceedings were had:</p> <p>21 RAYMOND KELLEY,</p> <p>22 being first duly sworn, was examined and</p> <p>23 testified as follows:</p>	<p>1 that doesn't make sense, and that is a</p> <p>2 possibility, just feel free to tell me that</p> <p>3 you didn't understand or it didn't make</p> <p>4 sense to you. And I'll try to rephrase it</p> <p>5 or we'll try to figure it out where it can</p> <p>6 make sense.</p> <p>7 If you need to take a break at</p> <p>8 any time, just let me know, and I'll be more</p> <p>9 than happy to stop and let you get up when</p> <p>10 you need to, okay?</p> <p>11 A. Yes, sir.</p> <p>12 Q. How old are you, Mr. Kelley?</p> <p>13 A. Fifty-seven.</p> <p>14 Q. What is your full name?</p> <p>15 A. Melvin Ray Kelley.</p> <p>16 Q. And you go by Ray; is that</p> <p>17 correct?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. What is your date of birth?</p> <p>20 A. 12/29/49.</p> <p>21 Q. Where do you currently live,</p> <p>22 Mr. Kelley?</p> <p>23 A. 800 Pineview Lane.</p>
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<p>1 COURT REPORTER: Usual</p> <p>2 stipulations?</p> <p>3 MS. MCDONALD: That's great.</p> <p>4 MR. WILLFORD: That's fine.</p> <p>5 EXAMINATION</p> <p>6 BY MS. MCDONALD:</p> <p>7 Q. Mr. Kelley, I've introduced</p> <p>8 myself to you before, I'm Kristi McDonald.</p> <p>9 I represent Terry Wilson and Al Bradley and</p> <p>10 Wendy Roberson in this lawsuit that's been</p> <p>11 filed by your son against them.</p> <p>12 Have you ever given a</p> <p>13 deposition before?</p> <p>14 A. No, ma'am.</p> <p>15 Q. You were present when your son</p> <p>16 testified and when your wife testified;</p> <p>17 correct?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. So you kind of know how this</p> <p>20 works a little bit?</p> <p>21 A. My son, but not my wife.</p> <p>22 Q. I'm just going to ask you some</p> <p>23 questions today. If I ask you a question</p>	<p>1 Q. And is that in --</p> <p>2 A. Sylacauga.</p> <p>3 Q. -- Sylacauga. How long have</p> <p>4 you lived at that address?</p> <p>5 A. Ten years.</p> <p>6 Q. Who resides at that address</p> <p>7 with you?</p> <p>8 A. Me and my wife.</p> <p>9 Q. Okay. Is Bryan currently</p> <p>10 living with you?</p> <p>11 A. No, ma'am.</p> <p>12 Q. Where is he currently?</p> <p>13 A. He's currently in Ensley.</p> <p>14 Q. What is he doing in Ensley?</p> <p>15 A. It's a halfway home.</p> <p>16 Q. Do you know the name of the</p> <p>17 facility where he's currently residing?</p> <p>18 A. It's something like Christian</p> <p>19 Academy.</p> <p>20 Q. How long has he been there?</p> <p>21 A. For about six months.</p> <p>22 Q. And before living at the</p> <p>23 address in Sylacauga, did you live here in</p>

2 (Pages 5 to 8)

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1 Coosa County?

2 A. Yes, ma'am.

3 Q. Okay. Are you currently

4 employed Mr. Kelley?

5 A. No, ma'am.

6 Q. How long has it been since you

7 worked?

8 A. 1997, I believe it was.

9 Q. And when you were currently

10 employed, who were you employed with?

11 A. Kelley's Roofing and

12 Construction.

13 Q. Did you own that construction

14 company, Mr. Kelley?

15 A. Yes, ma'am.

16 Q. It's Kelley's Roofing and

17 Construction?

18 A. Yes, ma'am.

19 Q. Is that business still in

20 existence?

21 A. No, ma'am.

22 Q. Did something happen in 1997

23 where you stopped working?

Page 10

1 A. I had two massive heart

2 attacks.

3 Q. Are you currently on social

4 security disability?

5 A. Yes, ma'am.

6 Q. Do you have any other health

7 problems, currently, Mr. Kelley?

8 A. Not at the moment.

9 Q. Okay. Are you on any type of

10 medication today?

11 A. I'm on Plavix and Lexapro.

12 Q. And now I'm not a doctor, but

13 my understanding of those medicines, they

14 don't have any side effects that would

15 prevent you from testifying today?

16 A. No.

17 Q. Okay. Do you have any memory

18 problems?

19 A. No, ma'am.

20 Q. And either one of these

21 medications affect your memory?

22 A. No, ma'am.

23 Q. How long did you own Kelley's

Page 11

1 Roofing and Construction Company?

2 A. Since -- I was in business for

3 thirty-five years.

4 Q. Sir?

5 A. I started it in 19- -- going

6 back thirty-five years.

7 Q. I won't make you do math this

8 morning.

9 A. That's what I was trying to

10 figure out in my mind.

11 Q. I won't make you go back and

12 do that. So, after your heart attacks you

13 haven't done any work; correct?

14 A. No, ma'am.

15 Q. Okay. In April of this year,

16 when we took your son Bryan's deposition, he

17 was living at home with y'all; is that

18 right?

19 A. Yes, ma'am.

20 Q. When was the last time he was

21 at home?

22 A. It's been -- it's been 2005,

23 to the best of my ability.

Page 12

1 Q. 2005 is when he moved back in

2 with y'all?

3 A. No, ma'am. He was released

4 from -- he OS'd from prison, and he come to

5 live with us. And then we put him -- We

6 started putting him in mentally ill homes.

7 Q. Beginning in 2005?

8 A. Yes, ma'am.

9 Q. What homes did you put him in?

10 A. There was four.

11 Q. Okay. Which ones were they,

12 Mr. Kelley?

13 A. One in Anniston and three in

14 Birmingham.

15 Q. Do you remember the name of

16 the one in Anniston?

17 A. City of Hope, I believe it

18 was.

19 Q. And then what about the ones

20 in Birmingham?

21 A. All three in the Birmingham

22 was UAB affiliated, and one was Christian

23 Academy and one was Northside, I can't

3 (Pages 9 to 12)

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 13</p> <p>1 remember the exact name of it. And two was  2 on north side -- all three of them was on  3 north side.  4 <b>Q. Okay. Is the --</b>  5 A. All of them were Christian  6 Academy.  7 <b>Q. The one where Bryan is</b>  8 <b>currently residing, is that affiliated with</b>  9 <b>UAB as well?</b>  10 A. Yes, ma'am.  11 MR. WILLFORD: Mr. Kelley, I  12 hate to interrupt, I'm having some  13 difficulty hearing you down here. We've got  14 traffic going in and out, and it's hard for  15 me to hear you.  16 THE WITNESS: Yes, sir.  17 <b>Q. You said after he got released</b>  18 <b>in 2005 from prison, he came back home?</b>  19 A. Yes, ma'am.  20 <b>Q. Did something happen after he</b>  21 <b>got back home that made y'all realize that</b>  22 <b>he didn't need to live with you?</b>  23 A. Yes, ma'am.</p>	<p style="text-align: right;">Page 15</p> <p>1 we doing sitting in the floor. I said, you  2 just didn't know what you was doing, Son.  3 <b>Q. And after that, y'all -- Who</b>  4 <b>did you contact about getting him some help?</b>  5 A. Cheaha Mental Health.  6 <b>Q. Is there somebody there at</b>  7 <b>Cheaha?</b>  8 A. We took him to -- We made an  9 appointment with Dr. Faber, Dr. David Faber.  10 We took him to see Dr. David Faber. And we  11 went in with him. And the first words that  12 Dr. Faber said, and if you'll excuse my  13 language, he said, what son of a bitch has  14 done this to this boy.  15 <b>Q. Did y'all attend the session</b>  16 <b>that Bryan had with Dr. Faber that day, the</b>  17 <b>first day he met with him?</b>  18 A. Yes, ma'am.  19 <b>Q. What do you recall Bryan</b>  20 <b>telling Dr. Faber the very first time you</b>  21 <b>met with him?</b>  22 A. He went through the details of  23 what happened to him in the Coosa County</p>
<p style="text-align: right;">Page 14</p> <p>1 <b>Q. Can you tell me what that was?</b>  2 A. One evening about four  3 o'clock, he come out of his bedroom, and he  4 had a blank stare in his eyes; he wasn't  5 looking at anything or anybody. He sat down  6 in the floor, he picked up one of the -- We  7 have a little applehead Chihuahua -- a lot  8 of little toys that the puppy played with.  9 And he picked that toy up and started  10 beating it against the floor and beating it  11 and hitting on it and hollering. I'm not a  12 queer, Al Bradley. I'm not a queer, Al  13 Bradley. Leave me alone. Leave me alone Al  14 Bradley. I'm not a queer.  15 And this went on for two  16 hours. I sat down with him and got him by  17 the hands, and I finally talked him out of  18 it to the point to where he realized what he  19 was doing. And he looked at me, and he  20 said, Daddy, what are we doing sitting in  21 the floor. And what are we doing holding  22 each other's hands. I said, can't I hold  23 your hand. And he said, yeah, but what are</p>	<p style="text-align: right;">Page 16</p> <p>1 Jail.  2 <b>Q. Can you tell me specifically</b>  3 <b>what details he provided to the doctor?</b>  4 A. He told Al Bradley, at night,  5 he would sit and wait on the click, because  6 he knew at night if he ever heard that key  7 click, that Al Bradley was coming -- was  8 going to come in there and beat him, him and  9 another deputy, onlyest thing that he could  10 prescribe about the other deputy was he wore  11 a speed holster and he could see the man did  12 not intentionally want to do it. But Al  13 Bradley made him hold him while he kicked  14 him in the testicles, while he kicked him in  15 the side, kicked two of his teeth out. He  16 kicked him in the testicles to where he was  17 urinating blood.  18 <b>Q. Anything else that you recall</b>  19 <b>that you told Dr. Faber that day?</b>  20 A. He said that he had begged for  21 water, and they wouldn't give him any water.  22 He said that they made him sleep on the  23 floor. They wouldn't -- There's a slab at</p>

4 (Pages 13 to 16)



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1 the back of the hole, what they call the  
 2 hole, and they would give him a two-inch mat  
 3 at night to sleep on right next to the hole  
 4 where he urinated and feced in. And they  
 5 wouldn't let him sleep on -- put his mat up  
 6 on that slab because Ricky Owens was scared  
 7 he would fall off and hurt himself.  
 8 He said that Al Bradley had  
 9 tried to stick a broom stick up his rectum.  
 10 Had hit him several -- beat him several  
 11 occasions with a hose pipe that had black  
 12 duct tape on it that was about four to five  
 13 foot long.  
 14 **Q. All this he related to**  
 15 **Dr. Faber when he first saw him?**  
 16 **A. Yes, ma'am.**  
 17 **Q. What did Dr. Faber recommend**  
 18 **that y'all do?**  
 19 **A. He put him on several**  
 20 **different kinds of medication and had us to**  
 21 **preadmit him to Hillcrest Hospital.**  
 22 **Q. Is Dr. Faber on staff at**  
 23 **Hillcrest?**

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1 **A. No, ma'am. He's retired, and**  
 2 **he sees just a very few people. But after**  
 3 **he heard Bryan's story, he continued to see**  
 4 **Bryan.**  
 5 **Q. And I'll come back to this,**  
 6 **but let me ask you this: In April after we**  
 7 **deposed Bryan, did he have any more problems**  
 8 **with the law?**  
 9 **A. Yes, ma'am.**  
 10 **Q. Okay. And is that why he is**  
 11 **currently being housed in Ensley?**  
 12 **A. He was released to Ensley**  
 13 **on -- He had a car wreck, and they brought**  
 14 **first degree assault charges against him.**  
 15 **And --**  
 16 **Q. Is that the car wreck -- Let**  
 17 **me make sure that you and I are kind of on**  
 18 **the same page so I don't get confused. That**  
 19 **is the car wreck he had last November?**  
 20 **A. Yes, ma'am.**  
 21 **Q. And who brought the charges**  
 22 **against him? Which city or which**  
 23 **department?**

Page 19

1 **A. Sylacauga.**  
 2 **Q. Okay. And he was charged with**  
 3 **first degree assault?**  
 4 **A. Yes, ma'am.**  
 5 **Q. Did he plead guilty?**  
 6 **A. No, ma'am. It hasn't ever**  
 7 **come to court.**  
 8 **Q. After his deposition in**  
 9 **April -- the first of April of this year,**  
 10 **did something happen to make Sylacauga come**  
 11 **and pick him up?**  
 12 **A. Yes, ma'am. The car wreck.**  
 13 **Q. They charged him with the car**  
 14 **wreck then?**  
 15 **A. No, ma'am. It was two**  
 16 **weeks -- three weeks later.**  
 17 **Q. Okay.**  
 18 **A. No. It was -- I'm sorry. It**  
 19 **was three months later because he stayed in**  
 20 **a coma for -- on life support for three**  
 21 **weeks, and then they kept him another three**  
 22 **or four weeks there at UAB because he was --**  
 23 **he died three times.**

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1 **Q. At some point though, charges**  
 2 **were brought against him by the City of**  
 3 **Sylacauga?**  
 4 **A. Yes, ma'am.**  
 5 **Q. Okay. And did he get out on**  
 6 **bond after he was arrested?**  
 7 **A. Yes, ma'am. Yes, ma'am.**  
 8 **Q. Who posted bond?**  
 9 **A. I did.**  
 10 **Q. Do you remember what his bond**  
 11 **was, Mr. Kelley?**  
 12 **A. Fifty thousand.**  
 13 **Q. All right. When did you post**  
 14 **the bond for him?**  
 15 **A. Same day that he was arrested.**  
 16 **Q. Okay. And at some point was**  
 17 **the bond revoked?**  
 18 **A. Yes, ma'am.**  
 19 **Q. Did something happen to cause**  
 20 **his bond to be revoked?**  
 21 **A. He left the hospital without**  
 22 **their knowledge, and Judge Bo Hollingsworth**  
 23 **revoked it.**

5 (Pages 17 to 20)

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Page 21

1 Q. What hospital was he in where  
2 he left without permission?  
3 A. UAB.  
4 Q. To your knowledge, has he had  
5 any other charges brought against him since  
6 April of this year?  
7 A. No, ma'am. Just the car wreck  
8 is the only thing that he's had.  
9 Q. And when his bond was revoked,  
10 did he go back to Sylacauga jail?  
11 A. Yes, ma'am. And they  
12 transferred him to Talladega jail.  
13 Q. They transferred him to  
14 Talladega County?  
15 A. Yes, ma'am.  
16 Q. When did he go to this halfway  
17 house?  
18 A. About a week later.  
19 Q. And is Judge Hollingsworth the  
20 one that made that call for him to be  
21 transferred to rehab?  
22 A. Judge Hollingsworth, yes,  
23 ma'am.

Page 22

1 Q. Who is representing Bryan on  
2 the assault charges?  
3 A. Mr. Luker.  
4 Q. Out of Birmingham?  
5 A. Yes, ma'am.  
6 Q. Do you know if that case is  
7 currently set for trial?  
8 A. No, ma'am, it's not.  
9 Q. Has there been another lawsuit  
10 filed against Bryan as a result of that  
11 accident?  
12 A. Yes, ma'am. Of damages due to  
13 her car.  
14 Q. Okay. Do you know what the  
15 status is of that lawsuit?  
16 A. Ma'am?  
17 Q. Do you know what the status of  
18 that lawsuit is?  
19 A. No, ma'am.  
20 Q. Other than -- Let's see.  
21 Bryan has been in Sylacauga in jail and  
22 Talladega County in jail and then is it --  
23 A. It's all related to the car

Page 23

1 wreck.  
2 Q. But since April of this year,  
3 since we took his deposition, he's been in  
4 Talladega and Sylacauga and then this rehab  
5 facility?  
6 A. Yes, ma'am.  
7 Q. Anywhere else that he has been  
8 housed that you are aware of?  
9 A. Like I said, there was three  
10 in Birmingham, but I can't recall their  
11 names.  
12 Q. But just since April of this  
13 year.  
14 A. April of this year, he's been  
15 at the City of Hope, I believe it is.  
16 Q. Okay. So he has not lived  
17 with y'all since April of this year;  
18 correct?  
19 A. No, ma'am.  
20 Q. Okay.  
21 A. No, ma'am.  
22 Q. Do you know how long he is  
23 scheduled to be in the rehab facility in

Page 24

1 Ensley?  
2 A. Until they bring him back  
3 every month and Mr. Hollingsworth does an  
4 assessment on him. So, no, ma'am, I don't  
5 have any idea.  
6 Q. Okay.  
7 A. Because he's not capable of  
8 being under the pressure of a trial.  
9 Q. Is Bryan married?  
10 A. Yes, ma'am.  
11 Q. Okay. When did he get  
12 married?  
13 A. Bryan married when he was  
14 nineteen years old.  
15 Q. Okay. And how long did he  
16 stay married to his first wife?  
17 A. Six years.  
18 Q. When did he marry again?  
19 A. He's never married again.  
20 Q. So he's currently not married,  
21 correct?  
22 A. No, ma'am.  
23 Q. The marriage you have with

6 (Pages 21 to 24)

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<p>1 Mrs. Kelley, is that the only marriage 2 you've had? 3 A. Yes, ma'am. 4 Q. Okay. And do you have any 5 children other than Bryan and his brother? 6 A. Yes, ma'am. 7 Q. You do. How many other 8 children do you have? 9 Do you have any other children 10 other than Bryan and his brother? 11 A. No, ma'am. 12 Q. Just the two boys? 13 A. Two boys. 14 Q. And your other son's name? 15 A. Shannon Ray. 16 Q. Where does Shannon live? 17 A. He lives on Coleman Bridge 18 Road, 1129 Coleman Bridge Road. 19 Q. Mr. Kelley, when was the first 20 time you can remember Bryan using either 21 alcohol or drugs? 22 A. Alcohol, when he was about 23 eighteen; drugs, when he was thirty-five.</p>	<p>1 about a year? 2 A. Yes, ma'am. 3 Q. Okay. And when was the next 4 time that you knew he was drinking? 5 A. He didn't. 6 Q. Didn't drink during that year, 7 eighteen to nineteen? 8 A. No, ma'am. 9 Q. Okay. And did he drink after 10 he got home from the military? 11 A. Yes, ma'am, on occasion. 12 Q. Okay. 13 A. They were going fishing or 14 something like that. 15 Q. How long was he in the 16 military? 17 A. He broke his back in the 18 military, he was in basic training. He had 19 three hundred and sixty-five days of -- 20 three hundred sixty-seven days of active 21 duty. 22 Q. Before he broke his back? 23 A. No, ma'am. He broke his back</p>
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<p>1 Q. Okay. Eighteen, would he have 2 been a senior in high school? 3 A. Yes, ma'am. 4 Q. And to your knowledge, that 5 was the first time when he started drinking? 6 A. Well, he probably didn't 7 drink -- He had went to a party, and he come 8 home messed up, and that was the only time I 9 ever knew him to drink. 10 Q. After that, did he start 11 drinking regularly? 12 A. No, ma'am. 13 Q. Do you know? 14 A. No, ma'am. 15 Q. Was he living with y'all that 16 year? 17 A. Yes, ma'am. He lived with us 18 until he went into the military. 19 Q. How old was he when he went 20 into the military? 21 A. Nineteen. 22 Q. Okay. So he graduated from 23 high school and then lived with y'all for</p>	<p>1 military -- I mean in the basic training, 2 and they give him an honor -- 3 Q. Honorable discharge? 4 A. Honorable discharge. And then 5 he went into the National Guard and served 6 out two years, I think it was, with the 7 National Guard there in Sylacauga. 8 Q. Okay. And during the time he 9 was in the National Guard, was he living 10 with you? 11 A. No, ma'am. 12 Q. Who was he living with then? 13 A. He had his own home. 14 Q. Was he married? 15 A. Yes, ma'am. 16 Q. When was the -- I guess, the 17 first time you realized Bryan started 18 drinking more regularly? 19 A. When he joined the National 20 Guard, they drank quite frequently. Top as 21 they called him, would have parties at his 22 house. Top, that's what you call the man 23 that's in charge of the whole unit.</p>

7 (Pages 25 to 28)



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Page 29

1       **Q.** So they would start having  
 2 parties and would drink?  
 3       **A.** Yes, ma'am. They'd have one a  
 4 month.  
 5       **Q.** Up until that time, had you  
 6 ever thought Bryan had an alcohol problem?  
 7       **A.** No.  
 8       **Q.** I know he already graduated  
 9 from high school, but did you have any  
 10 problems with him while he was in school?  
 11       **A.** No, ma'am. Bryan was a  
 12 perfect student. Never once called to  
 13 school because of any trouble Bryan had got  
 14 into.  
 15       **Q.** Any problems with his grades?  
 16       **A.** No, ma'am.  
 17       **Q.** What kind of student was he?  
 18       **A.** He was excellent.  
 19       **Q.** Did you have any problems with  
 20 him fighting?  
 21       **A.** No, ma'am. Bryan would walk  
 22 away from a fight.  
 23       **Q.** When would you say was the

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1 first time that his drinking caused him any  
 2 problems?  
 3       **A.** When he was thirty-two, if my  
 4 memory serves me right. They used to have a  
 5 pool tournament at Ogle's Paint and Body  
 6 Shop. He couldn't have -- He played until  
 7 10 o'clock -- ten minutes until ten, so, no,  
 8 he wasn't drinking. And he wanted to go  
 9 down there and shoot in that tournament. He  
 10 left the house at ten minutes to ten, he got  
 11 back at the house at fifteen minutes after  
 12 ten and said -- said we've been in a fight  
 13 with Rodney, that's my nephew.  
 14       They said he was drinking, but  
 15 he was not drinking a drop when he left my  
 16 house, because we had been sitting there  
 17 playing Monopoly for about three hours.  
 18       **Q.** Bryan's date of birth is 1971?  
 19       **A.** Yes, ma'am.  
 20       **Q.** So you said the first time --  
 21 How old is he now? Let's see?  
 22       **A.** He's thirty-six.  
 23       **Q.** Thirty-six. So let me make

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1 sure I understand. You said to your  
 2 knowledge he didn't have a problem with  
 3 alcohol until he was thirty-two; is that  
 4 right? He was thirty-two years old?  
 5       **A.** Yes, ma'am -- Well, when he  
 6 joined the National Guard, they would have  
 7 those parties. But as far as drinking, he  
 8 worked with me and, no, I didn't allow no  
 9 drinking.  
 10       **Q.** So you never had any problems  
 11 with him -- You were his boss, huh?  
 12       **A.** No problem drinking.  
 13       **Q.** No drinking on the job?  
 14       **A.** You keep your shirts and  
 15 clothes on. Our business was based on  
 16 Christian owned, Christian run.  
 17       **Q.** Did you advertise that way?  
 18       **A.** Yes, ma'am. He was in church  
 19 every Sunday and every Wednesday.  
 20       **Q.** Where did y'all go to church?  
 21       **A.** Stewartville Church of God.  
 22       **Q.** Where is that?  
 23       **A.** In Stewartville, about five

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1 miles up the road.  
 2       **Q.** Okay. And I guess he went to  
 3 church with y'all up until the point he  
 4 graduated from high school?  
 5       **A.** Until he went into the  
 6 military.  
 7       **Q.** Until the military. Up until  
 8 he went into the military, had he ever had  
 9 any problems with the law?  
 10       **A.** No, ma'am.  
 11       **Q.** No DUIs?  
 12       **A.** Huh-uh.  
 13       **Q.** No assault or fighting to your  
 14 knowledge?  
 15       **A.** Huh-uh.  
 16       **Q.** You've got to answer out loud.  
 17       **A.** No.  
 18       **Q.** How old was Bryan when he went  
 19 to work for you, Mr. Kelley?  
 20       **A.** When he come back from basic  
 21 training, he couldn't do anything for a year  
 22 and a half, and then when he got to the  
 23 point to where he could maneuver around a

8 (Pages 29 to 32)

## FREEDOM COURT REPORTING

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1 little bit, he was allowed to make so much  
2 over his disability. And when he ran that  
3 out, he had to, you know -- to the point to  
4 where he couldn't work no more.

5 **Q. So he would just work for you**  
6 **to make enough money to supplement his**  
7 **disability?**

8 A. Yes, ma'am.

9 **Q. Okay. And did he work for**  
10 **you, I guess, kind of part time until you**  
11 **closed your business in 1997?**

12 A. Other than when he was  
13 incarcerated.

14 **Q. Had he been incarcerated prior**  
15 **to the time you closed your business?**

16 A. Well, he was incarcerated when  
17 I had the heart attack.

18 **Q. Okay. What had happened to**  
19 **cause him to be incarcerated?**

20 A. The night that he left the  
21 house that we were playing the game, he went  
22 to Ogle's Body Shop. Rodney Smith is a  
23 nephew of mine, and Rodney Smith worked for

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1 me too. And they started out practical  
2 joking, and it escalated to the point to  
3 where they got mad at each other. And at 10  
4 o'clock Rodney Smith showed up at the Ogle's  
5 Paint and Body Shop and stood in the door  
6 with his arms crossed. And Bryan tried to  
7 get out, and the fight started.

8 But on the witness stand, the  
9 doctor report plainly stated that it was an  
10 abrasion. They found the knife in the  
11 parking lot the next day and they said that  
12 Bryan had cut him. They brought first  
13 degree charges -- first degree assault  
14 charges against him on that. He ended up  
15 spending five years in the penitentiary.

16 **Q. So Rodney Smith pressed**  
17 **charges against him?**

18 A. Yes, ma'am.

19 **Q. What county?**

20 A. Coosa.

21 **Q. Coosa?**

22 A. That was when --

23 **Q. Okay. Was this in 2003?**

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1 A. It was about that time.

2 **Q. Okay.**

3 A. 2002 or 2003.

4 **Q. I'm a little confused on my**  
5 **dates, so just forgive me here. When**  
6 **Bryan -- When they had this -- he and**  
7 **Mr. Smith had this altercation, up until**  
8 **that point, had Bryan ever been**  
9 **incarcerated?**

10 A. Yes, ma'am.

11 **Q. Okay. When was the first time**  
12 **you recall him being incarcerated?**

13 A. The first time was probably  
14 when he was thirty.

15 **Q. And do you know what he was**  
16 **incarcerated for?**

17 A. I believe it was for alluding.  
18 I'm not sure about that now.

19 **Q. When was the first time Bryan**  
20 **received any kind of rehab treatment?**

21 A. Rehab treatment? When they  
22 would -- Really basic psychiatry treatment  
23 was when he was released from, he was

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1 released -- when he OS'd from Bullock.

2 That's a mental department for the --

3 **Q. Right. But all through high**  
4 **school, him growing up, had he ever been**  
5 **diagnosed as having any kind of mental**  
6 **illness?**

7 A. No, ma'am.

8 **Q. Had y'all ever taken him to a**  
9 **psychiatrist or psychologist?**

10 A. No, ma'am.

11 **Q. Received any counseling?**

12 A. No, ma'am.

13 **Q. Did he take any type of**  
14 **medication regularly growing up?**

15 A. No, ma'am.

16 **Q. Make sure I understand: To**  
17 **your knowledge, he did not see a**  
18 **psychiatrist or psychologist until he was**  
19 **released from prison?**

20 A. From Bullock.

21 **Q. Up until that time y'all**  
22 **didn't have to take him anywhere for any**  
23 **kind of treatment for him?**

9 (Pages 33 to 36)

## FREEDOM COURT REPORTING

Page 37	Page 39
<p>1 A. No, ma'am.</p> <p>2 Q. Okay. And he would have been</p> <p>3 released in 2005 from Bullock?</p> <p>4 A. I believe it was 2005.</p> <p>5 Q. All right. He was put in</p> <p>6 Coosa County Jail in 2003, in November of</p> <p>7 2003, does that sound right to you?</p> <p>8 A. No, ma'am. Because he done</p> <p>9 the whole five years that the judge ordered</p> <p>10 him to do, and they kept him here in Coosa</p> <p>11 County Jail for a certain amount of time.</p> <p>12 And then he went into liver and kidney</p> <p>13 failure, transferred to Russell Hospital.</p> <p>14 And then when he was released from there,</p> <p>15 they transferred him to Clay County jail;</p> <p>16 and then from Clay County jail, he stayed</p> <p>17 over there about six or eight months; and</p> <p>18 then they sent him -- he asked to be sent on</p> <p>19 to prison.</p> <p>20 Q. All right. I may be a little</p> <p>21 bit confused, but I'm trying to figure</p> <p>22 out -- Y'all didn't have any problems with</p> <p>23 him while he was in high school; right?</p>	<p>1 I wouldn't approve of it.</p> <p>2 Q. Are you a drinker, Mr. Kelley?</p> <p>3 A. No.</p> <p>4 Q. You don't drink at all?</p> <p>5 A. No.</p> <p>6 Q. Is there any alcoholism in</p> <p>7 y'all's family?</p> <p>8 A. My brother was an alcoholic.</p> <p>9 Q. When did you first think that</p> <p>10 he had a problem with alcohol? As a dad,</p> <p>11 when did you think there's a problem here?</p> <p>12 A. When he came from one of the</p> <p>13 parties, and we had to go out to the car and</p> <p>14 tote him in. He was throwing up. The next</p> <p>15 morning I sat down and had a heart-to-heart</p> <p>16 talk with him.</p> <p>17 Q. How old would he have been at</p> <p>18 that time?</p> <p>19 A. He would have been about</p> <p>20 twenty-five, twenty-seven.</p> <p>21 Q. Okay. And would he have</p> <p>22 already been married at this time?</p> <p>23 A. Yes, ma'am.</p>
Page 38	Page 40
<p>1 A. Right</p> <p>2 Q. Y'all didn't have any problems</p> <p>3 with him when he was in high school.</p> <p>4 A. Yeah.</p> <p>5 Q. No problems, great kid, easy?</p> <p>6 A. Yes.</p> <p>7 Q. And then he gets out and he</p> <p>8 joins the military?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. And y'all didn't have any</p> <p>11 problems with him up until that point;</p> <p>12 right?</p> <p>13 A. Right.</p> <p>14 Q. And then when he got home</p> <p>15 after he had broken his back, and he got in</p> <p>16 the National Guard is when you first noticed</p> <p>17 he was drinking regularly?</p> <p>18 A. Well, it wasn't regularly. It</p> <p>19 was when Top would throw a party, he would</p> <p>20 get intoxicated. And, you know, I'd see him</p> <p>21 every once in a while with a six-pack of</p> <p>22 beer, and I'd always get on to him. He'd</p> <p>23 try to keep it hid from me, because he knew</p>	<p>1 Q. Did he have a baby already?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. And you just thought maybe he</p> <p>4 was getting a little out of hand?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Okay. Up until that point,</p> <p>7 had he ever been arrested for a DUI?</p> <p>8 A. I think so.</p> <p>9 Q. Okay. Were you aware that he</p> <p>10 had had a DUI?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. To your knowledge, where did</p> <p>13 he get his first DUI?</p> <p>14 A. Coosa County.</p> <p>15 Q. Did he spend any time in jail</p> <p>16 as a result of that DUI?</p> <p>17 A. I think it's mandatory that</p> <p>18 they hold you twenty-four hours. I don't --</p> <p>19 Q. Okay. Did he get any type of</p> <p>20 treatment for alcohol abuse at that time,</p> <p>21 even if it was court ordered?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Okay.</p>

10 (Pages 37 to 40)

## FREEDOM COURT REPORTING

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<p>1 A. No, ma'am. We just paid the 2 fine. 3 Q. And that was the end of it? 4 A. Uh-huh. 5 Q. Okay. After the first DUI, 6 how long was it before he got another one? 7 A. Several months. Matter of 8 fact, it could have been possibly up to a 9 year. 10 Q. Okay. So he went a while 11 without getting a DUI? 12 A. Yes, ma'am. 13 Q. And I know he wasn't living at 14 home with you, Mr. Kelley, so I know that 15 you may not have known what was going on. I 16 just want to know what you know. 17 How far was he and his wife 18 living from y'all? 19 A. Probably a half mile. 20 Q. Did you see them pretty 21 regularly? 22 A. Yes, ma'am. 23 Q. Did his wife ever come to you</p>	<p>1 you to say, wait a minute, this has got to 2 stop? 3 A. Well, you can detect things in 4 your children that other people can't. 5 Q. Yes, sir. That, I understand. 6 So you think Hillcrest would have been the 7 first place that y'all went to? 8 A. Yes, ma'am. 9 Q. It was a five-day program? 10 A. Yes, ma'am. 11 Q. Would y'all have met with the 12 doctors too? 13 A. Yes, ma'am. 14 Q. Do you have any idea, 15 Mr. Kelley, about what time frame this would 16 have been? 17 A. Not really. Him and Marcy 18 were still living together. 19 Q. He and Marcy have a daughter 20 together, correct? 21 A. Yes, ma'am. 22 Q. Do y'all get to see your 23 granddaughter?</p>
Page 42	Page 44
<p>1 and tell you that she thought he was having 2 a problem with alcohol? 3 A. She didn't to me, but she did 4 to my wife. 5 Q. And did y'all try to get him 6 help at that point? 7 A. I tried my best to talk to 8 him. 9 Q. At some point, did you take 10 him or try to get him admitted to get some 11 help? 12 A. Yes, ma'am. 13 Q. Where was the first place you 14 remember trying to get him admitted? 15 A. We took him to -- I believe it 16 was Hillcrest. They have a five-day 17 program. 18 Q. Was there something that 19 prompted you to take him? Anything that 20 happened? 21 A. I didn't want to see him ruin 22 his life because of alcohol. 23 Q. Did he do anything that caused</p>	<p>1 A. Yes, ma'am. 2 Q. Do you have some type of 3 visitation with her or is Marcy pretty good 4 to y'all about letting you see her? 5 A. Yes, ma'am. 6 Q. How often do you get to see 7 her? 8 A. We see her every Sunday at 9 church, and we can go and get her any time 10 we want to. Bryan has custody rights still. 11 Q. After Bryan got out of 12 Hillcrest, when was the next time you 13 remember him having problems with alcohol? 14 A. The next time was about two 15 years later. And he had pulled somebody out 16 of the woods because their vehicle -- He had 17 a four-wheel, and their vehicle was a two 18 wheel, and he pulled them out of the woods. 19 And when he got to Weogufka they wanted him 20 to -- they didn't have any lights on the 21 vehicle, so they wanted him to be their 22 lights for them. And he told them he had to 23 go, and one of them hit him in the back of</p>

11 (Pages 41 to 44)



## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 45</p> <p>1 the head with something and busted the back 2 of his head wide open. And he was trying to 3 stop -- he stopped at Rodney's. He stopped 4 at my house first -- I meant, his brother's 5 house first, to get him to take him to the 6 emergency room and Shannon wasn't at home, 7 so he went out to Rodney's. And Rodney 8 wasn't -- Rodney wouldn't take him. So he 9 had started to Sylacauga to the hospital, 10 and a state trooper was parked up the road 11 there, and they pulled him over. And 12 instead of taking him to the hospital, they 13 brought him back to Coosa County and put him 14 back in jail. They stopped him and pulled 15 him over five miles across the Coosa County 16 line. 17 <b>Q. Okay. And what did they</b> 18 <b>arrest him for?</b> 19 <b>A. DUI.</b> 20 <b>Q. Do you remember what year this</b> 21 <b>was in, Mr. Kelley?</b> 22 <b>A. It would have been in the</b> 23 <b>'90s.</b></p>	<p style="text-align: right;">Page 47</p> <p>1 affirmatively.) 2 <b>Q. Is that a yes? Sir, is that a</b> 3 <b>yes?</b> 4 <b>A. No, ma'am. That was before he</b> 5 <b>was incarcerated -- No, it was after he was</b> 6 <b>incarcerated and released. He come to me</b> 7 <b>about two years ago, and I knew something</b> 8 <b>was wrong with him because he was losing a</b> 9 <b>lot of weight. Bryan has always weighed</b> 10 <b>about two hundred and twenty-five, two</b> 11 <b>hundred and thirty pounds. And he had done</b> 12 <b>got down to about one fifty -- one forty,</b> 13 <b>one fifty. And I just asked him, what's</b> 14 <b>going on, Bryan. I mean, you don't lose</b> 15 <b>that much weight unless something is going</b> 16 <b>into your body that's not supposed to be.</b> 17 <b>And he broke down and told me. He was</b> 18 <b>trying to escape reality is what he told me.</b> 19 <b>Q. What type of drugs did he tell</b> 20 <b>you he was using?</b> 21 <b>A. Crack.</b> 22 <b>Q. And this would have been after</b> 23 <b>he'd been released from Bullock?</b></p>
<p style="text-align: right;">Page 46</p> <p>1 <b>Q. Before you had your heart</b> 2 <b>attack?</b> 3 <b>A. Yes, ma'am.</b> 4 <b>Q. Okay. Had his drinking at</b> 5 <b>this point become any problem with you with</b> 6 <b>him at work?</b> 7 <b>A. No, ma'am. He was always</b> 8 <b>eager to work.</b> 9 <b>Q. Was his driver's license ever</b> 10 <b>suspended?</b> 11 <b>A. Ma'am?</b> 12 <b>Q. Driver's license suspended?</b> 13 <b>A. Yes, ma'am.</b> 14 <b>Q. Did he just ride with you to</b> 15 <b>work?</b> 16 <b>A. Yes, ma'am. I would go and</b> 17 <b>pick him up.</b> 18 <b>Q. And you told me earlier about</b> 19 <b>the drug use. When, to your knowledge, did</b> 20 <b>Bryan ever first experiment with drugs?</b> 21 <b>A. When he was thirty-four.</b> 22 <b>Q. So two years ago?</b> 23 <b>A. (Witness nods head</b></p>	<p style="text-align: right;">Page 48</p> <p>1 <b>A. Yes, ma'am.</b> 2 <b>Q. And to your knowledge, he'd</b> 3 <b>never tried any type of drugs before?</b> 4 <b>A. I preached to my boys every</b> 5 <b>day, don't put anything in your system.</b> 6 <b>Q. When is the first time you</b> 7 <b>remember Bryan being diagnosed as having</b> 8 <b>schizophrenia or being bipolar?</b> 9 <b>A. When we took him to Dr. Faber.</b> 10 <b>Q. And up until that time, had he</b> 11 <b>ever been diagnosed as having any of that?</b> 12 <b>A. No.</b> 13 <b>MS. MCDONALD: Richard, can we</b> 14 <b>take a break?</b> 15 <b>MR. STOCKHAM: Sure.</b> 16 <b>(Off the Record.)</b> 17 <b>Q. (BY MS. MCDONALD):</b> 18 <b>Mr. Kelley, we took a little break, and I</b> 19 <b>talked to Mr. Stockham. And it's my</b> 20 <b>understanding you said you had two massive</b> 21 <b>heart attacks?</b> 22 <b>A. Uh-huh.</b> 23 <b>Q. Is that a yes?</b></p>

12 (Pages 45 to 48)



## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 49</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. She's going to get you in a</p> <p>3 minute. I'm trying to help you.</p> <p>4 Before you had your heart</p> <p>5 attacks, did you also have a stroke?</p> <p>6 A. I had four.</p> <p>7 Q. You had four strokes?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. As a result of having those</p> <p>10 strokes did you -- or your heart attacks,</p> <p>11 have you had a problem remembering dates or</p> <p>12 times?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Has that affected your memory</p> <p>15 some?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Okay. Do you remember Bryan</p> <p>18 being incarcerated in Coosa County?</p> <p>19 A. Yes, very well. That's what</p> <p>20 caused the strokes and the heart attacks.</p> <p>21 Q. For you?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. And I know you may not</p>	<p style="text-align: right;">Page 51</p> <p>1 Q. Who was representing Bryan, if</p> <p>2 you remember, when he was down there?</p> <p>3 A. Started off with Robert</p> <p>4 Rumsey. And then we fired him and hired a</p> <p>5 corporation out of Alex City. I can't</p> <p>6 remember the name of the corporation, now.</p> <p>7 Q. That's okay.</p> <p>8 A. But it was supposed to be one</p> <p>9 of the best, and then Mr. Brown too.</p> <p>10 Q. At any time while Bryan was</p> <p>11 incarcerated at Coosa County Jail, did you</p> <p>12 go and talk to any of the attorneys who were</p> <p>13 representing him about things that Bryan was</p> <p>14 telling you about what was going on?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. You said you talked to Ricky</p> <p>17 Owens. It's my understanding Ricky was a</p> <p>18 sheriff back when Bryan was incarcerated?</p> <p>19 A. Yes. And I went to Montgomery</p> <p>20 and talked to Governor Riley's personal</p> <p>21 lawyer, himself.</p> <p>22 Q. Do you remember who that was?</p> <p>23 A. I believe his name was</p>
<p style="text-align: right;">Page 50</p> <p>1 remember the exact date when he was</p> <p>2 incarcerated, but can you tell me, do you</p> <p>3 remember having any conversations with</p> <p>4 anybody down at the jail once Bryan was</p> <p>5 incarcerated there?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Who did you talk to?</p> <p>8 A. I talked to Ricky Owens, I</p> <p>9 talked to Deputy Green, I talked to</p> <p>10 Deputy -- Sergeant Wendy, and if my memory</p> <p>11 serves me right, I talked to Sheriff Terry.</p> <p>12 I talked to -- I talked to the county</p> <p>13 attorney twice.</p> <p>14 Q. Who was the county attorney at</p> <p>15 that time?</p> <p>16 A. Kelly Johnson. I talked to</p> <p>17 Mr. Stroud, Deputy Stroud at that time.</p> <p>18 Q. Anybody else that you can</p> <p>19 remember?</p> <p>20 A. His name was Tim, but I don't</p> <p>21 know his last name.</p> <p>22 Q. Was he a jailer or deputy?</p> <p>23 A. Jailer.</p>	<p style="text-align: right;">Page 52</p> <p>1 Wallace.</p> <p>2 Q. Do you remember about what you</p> <p>3 would have talked to Ricky Owens about while</p> <p>4 Bryan was incarcerated?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Can you tell me about what you</p> <p>7 talked to Ricky about?</p> <p>8 A. I asked him why he was keeping</p> <p>9 Bryan in the hole, and why he was making him</p> <p>10 sleep on the floor next to that sewage pipe.</p> <p>11 His reaction was, for my own protection.</p> <p>12 Q. Any other conversation you had</p> <p>13 with Sheriff Owens?</p> <p>14 A. Yes, ma'am. I talked to him</p> <p>15 here in the county building one day. I</p> <p>16 asked him why wasn't they giving Bryan water</p> <p>17 or a bath? He said, I run that jail over</p> <p>18 there, and I run it as I see fit.</p> <p>19 Q. Any other conversations you</p> <p>20 recall having with him?</p> <p>21 A. I had two -- I had one at his</p> <p>22 home. I went to his home.</p> <p>23 Q. The first conversation with</p>

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## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 53</p> <p>1 him that you told me about --</p> <p>2 A. Was at his home. The first</p> <p>3 time.</p> <p>4 Q. The first time was at his</p> <p>5 house?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Was anybody else present for</p> <p>8 the conversation?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Who was present?</p> <p>11 A. His wife and a boy that hung</p> <p>12 his Sheetrock in his home, Bobby Thomas.</p> <p>13 That was how I knew where he lived at, Bobby</p> <p>14 Thomas had hung the Sheetrock in his new</p> <p>15 home.</p> <p>16 Q. And Mr. Thomas was present and</p> <p>17 overheard the conversation you had with him?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. And the second conversation</p> <p>20 you had with him you said was here in the</p> <p>21 county building?</p> <p>22 A. The second one was in his</p> <p>23 office.</p>	<p style="text-align: right;">Page 55</p> <p>1 check him myself.</p> <p>2 Q. What was his response?</p> <p>3 A. We have our own jail doctor.</p> <p>4 Q. And then you said you had</p> <p>5 another conversation with him, with Sheriff</p> <p>6 Owens?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Where was it at?</p> <p>9 A. It was three times. His home,</p> <p>10 then the one over there and then the one in</p> <p>11 the hallway right out there, near the water</p> <p>12 fountain.</p> <p>13 Q. Was there anybody present</p> <p>14 during the conversation you had with Sheriff</p> <p>15 Owens in the hallway?</p> <p>16 A. If I'm not mistaken, Terry</p> <p>17 Wilson was out there with him.</p> <p>18 Q. What did you ask him about?</p> <p>19 A. I asked him about the mat, the</p> <p>20 water. And to my knowledge, you're not</p> <p>21 supposed to hold an individual in that hole</p> <p>22 over a certain amount of time, and then you</p> <p>23 have to let them out in the population. And</p>
<p style="text-align: right;">Page 54</p> <p>1 Q. In the office in the jail?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Was anybody present to hear</p> <p>4 that conversation?</p> <p>5 A. Wendy, Sergeant Wendy.</p> <p>6 Q. Okay. And the next</p> <p>7 conversation you had with him would have</p> <p>8 been, I guess, the third one?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Where was it?</p> <p>11 A. It was here in the hallway of</p> <p>12 the county building.</p> <p>13 Q. Was that the one you just told</p> <p>14 me about?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Okay. That second</p> <p>17 conversation you had with him when Sergeant</p> <p>18 Wendy was present, what were you talking</p> <p>19 about over in his office?</p> <p>20 A. Why Bryan was having to sleep</p> <p>21 on the floor and his medical condition was</p> <p>22 deteriorating, and if he would allow me to</p> <p>23 hire a private physician to come down and</p>	<p style="text-align: right;">Page 56</p> <p>1 Bryan had done been in there for</p> <p>2 thirty-something days prior to that.</p> <p>3 Q. Who told you that they</p> <p>4 couldn't be in there for over a certain</p> <p>5 period of time?</p> <p>6 A. They have a handbook. In that</p> <p>7 handbook it states -- They never would give</p> <p>8 us a handbook; we asked for it. It has the</p> <p>9 rules and regulations in it.</p> <p>10 Q. How long would you say your</p> <p>11 conversation with Sheriff Owens lasted when</p> <p>12 y'all were out in the hallway?</p> <p>13 A. About fifteen minutes. He</p> <p>14 turned around and walked off.</p> <p>15 Q. And then the first time when</p> <p>16 you went to -- the conversation you had with</p> <p>17 him at his house, how long would you say you</p> <p>18 were there?</p> <p>19 A. About an hour.</p> <p>20 Q. Did you go into his house?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. And the conversation you had</p> <p>23 with him in his office when Sergeant Wendy</p>

14 (Pages 53 to 56)

## FREEDOM COURT REPORTING

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1 was there, how long would you say that  
2 conversation took place?  
3 A. An hour and a half.  
4 Q. Do you know what time of day  
5 you were there at his office?  
6 A. Yes, ma'am.  
7 Q. What time was it?  
8 A. It was in the morning time.  
9 Q. Okay. And what about when you  
10 went to his house?  
11 A. It was in the morning, too.  
12 Q. Okay. And do you remember  
13 what time of day it was when you were out in  
14 the hallway?  
15 A. In the morning.  
16 Q. All three conversations were  
17 in the morning?  
18 A. That was the only time you  
19 could catch him.  
20 Q. Do you remember having any  
21 other conversations, other than those three  
22 that we just talked about?  
23 A. Not face-to-face.

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1 Q. Did you have other  
2 conversations with him on the phone?  
3 A. Yes, ma'am.  
4 Q. Approximately how many  
5 conversations did you have with him on the  
6 telephone?  
7 A. I won't say how many. But I  
8 would say several different times that we  
9 would call and ask to speak to Sheriff Owens  
10 and asked him why Bryan was not being able  
11 to bathe? Why wouldn't they give him water?  
12 Why was he having to sleep on a two-inch mat  
13 on the floor right next to the sewage? Why  
14 wasn't it being flushed properly?  
15 Q. When you would call to talk to  
16 him, did you get to talk to him each time  
17 you called?  
18 A. No, ma'am.  
19 Q. Approximately how many times  
20 did you actually get to talk to Sheriff  
21 Owens?  
22 A. About four.  
23 Q. Okay.

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1 A. The rest of the time he  
2 wouldn't be in. They would make me talk to  
3 someone else.  
4 Q. Where would you be when you  
5 would make the phone calls?  
6 A. At home.  
7 Q. There in Sylacauga?  
8 A. Yes, ma'am.  
9 Q. Who did you have phone service  
10 with at the time, Mr. Kelley?  
11 A. BellSouth.  
12 Q. Do you still have the same  
13 phone number you had since you've been  
14 living there at that house in Sylacauga?  
15 A. I've had the same phone since  
16 1969.  
17 Q. It makes it easier to keep up  
18 with, doesn't it?  
19 A. Yes.  
20 Q. What is your phone number?  
21 A. 256-249-8067.  
22 Q. Did you have to dial long  
23 distance over here to the jail?

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1 A. Yes, ma'am.  
2 Q. And is that the same phone  
3 number that Bryan would call? He would call  
4 you collect, I guess, while he was at the  
5 jail?  
6 A. Yes, ma'am.  
7 Q. Okay. You said you talked to  
8 Ricky Owens and Green. Do you remember  
9 Green's first name? Is it Aaron?  
10 It's okay if you don't  
11 remember, Mr. Kelley.  
12 A. All right.  
13 Q. How many conversations would  
14 you say you had with Mr. Green?  
15 A. I had two or three with him,  
16 then I went to his home one time.  
17 Q. All right. Two or three on  
18 the phone?  
19 A. Aaron Green.  
20 Q. Was he a jailer over at the  
21 jail?  
22 A. Yes, ma'am.  
23 Q. The two or three conversations

15 (Pages 57 to 60)

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 61</p> <p>1 you had with him, would those have been in</p> <p>2 person or on the telephone?</p> <p>3 A. In person.</p> <p>4 Q. In person. And where were you</p> <p>5 when you had your conversations with him?</p> <p>6 A. At the jail.</p> <p>7 Q. At the jail?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Okay. And what did you talk</p> <p>10 to Mr. Green about?</p> <p>11 A. Bryan's situation there.</p> <p>12 Q. Do you remember anything</p> <p>13 specifically that you talked to him about?</p> <p>14 A. Uh-huh. Bryan having to beg</p> <p>15 for water and having to sleep on that hard</p> <p>16 concrete floor with his back already messed</p> <p>17 up with the artificial disk and he had two</p> <p>18 cages in his back. His spinal cord runs</p> <p>19 down through a tube.</p> <p>20 Q. Anything else that you can</p> <p>21 remember about the conversations you had</p> <p>22 with Mr. Green?</p> <p>23 A. No.</p>	<p style="text-align: right;">Page 63</p> <p>1 A. No, ma'am. He said his lawyer</p> <p>2 had advised him not to talk to us.</p> <p>3 Q. Okay. And did y'all just</p> <p>4 leave?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Okay. And then you said --</p> <p>7 You told me you talked to Sergeant Wendy. I</p> <p>8 know you told me that she was present when</p> <p>9 you had one conversation with Sheriff Owens,</p> <p>10 but did you have any other conversations</p> <p>11 with her?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Just her? Can you tell me</p> <p>14 about how many conversations you would have</p> <p>15 had with Wendy?</p> <p>16 A. Numerous. Because she was --</p> <p>17 seemed like she was there most of the time</p> <p>18 that you went down there.</p> <p>19 Q. What did you have a</p> <p>20 conversation with her about, Mr. Kelley?</p> <p>21 A. Bryan's situation: How he was</p> <p>22 deteriorating, turning yellow; how he got</p> <p>23 his teeth knocked out.</p>
<p style="text-align: right;">Page 62</p> <p>1 Q. Would anybody else have been</p> <p>2 present when you would have been talking to</p> <p>3 him?</p> <p>4 A. Most of the time there was</p> <p>5 someone coming or going all the time.</p> <p>6 Q. Would there have been anyone</p> <p>7 else standing there with y'all?</p> <p>8 A. No, ma'am. Just whoever was</p> <p>9 in there, that's who I would talk to.</p> <p>10 Q. And you said that one time you</p> <p>11 went to Mr. Green's house?</p> <p>12 A. Uh-huh.</p> <p>13 Q. Is that a yes?</p> <p>14 A. Yes, ma'am. I'm sorry.</p> <p>15 Q. Okay. Were you by yourself</p> <p>16 when you went to Mr. Green's house?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Who was with you?</p> <p>19 A. My wife.</p> <p>20 Q. Okay. And was Mr. Green home?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Did you have a conversation</p> <p>23 with him when you went to his house?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. What did she tell you?</p> <p>2 A. She dismissed each one of my</p> <p>3 questions. You will have to talk to the</p> <p>4 sheriff about that.</p> <p>5 Q. What about when you talked to</p> <p>6 Mr. Green, did he ever respond to you or</p> <p>7 tell you anything?</p> <p>8 A. No, ma'am. None of them did.</p> <p>9 Q. Okay. And then you said you</p> <p>10 talked to Terry Wilson. I know Mr. Wilson</p> <p>11 is now the sheriff, but he was not the</p> <p>12 sheriff at the time; correct?</p> <p>13 A. No, ma'am.</p> <p>14 Q. What did you understand his</p> <p>15 position to be when Bryan was here?</p> <p>16 A. Just a regular deputy, I</p> <p>17 guess.</p> <p>18 Q. Okay. How many conversations</p> <p>19 would you say you had with Mr. Wilson?</p> <p>20 A. Just that one right outside</p> <p>21 there. He was with Mr. Owens.</p> <p>22 Q. Did Mr. Wilson say anything to</p> <p>23 you?</p>

16 (Pages 61 to 64)



## FREEDOM COURT REPORTING

Page 65	Page 67
<p>1 A. No.</p> <p>2 Q. Okay.</p> <p>3 A. Just how you doing, Ray.</p> <p>4 Q. He was just present while you</p> <p>5 were talking to Mr. Owens?</p> <p>6 A. Yes.</p> <p>7 Q. But did you ever have a</p> <p>8 conversation with Terry Wilson, either on</p> <p>9 the phone or in person, where you talked to</p> <p>10 him about anything that was going on with</p> <p>11 Bryan?</p> <p>12 A. No, ma'am. I went to his home</p> <p>13 twice and he wouldn't come to the door.</p> <p>14 Q. Okay. You said you went to</p> <p>15 Kelly Johnson, who was the county attorney?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. What did you talk to</p> <p>18 Mr. Johnson about?</p> <p>19 A. About Bryan, how he was being</p> <p>20 treated, and he -- The first time I talked</p> <p>21 to him by myself; the second time, Wanda, my</p> <p>22 wife, was with me. His response was, Ray,</p> <p>23 I've known what was going on from the very</p>	<p>1 A. Three or four.</p> <p>2 Q. And you said you had a</p> <p>3 conversation with him after he quit working</p> <p>4 for --</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Okay. When did you have this</p> <p>7 conversation with him?</p> <p>8 A. He was working for Radio</p> <p>9 Shack. Myself, my wife, and my attorney</p> <p>10 went out and took a deposition from him, and</p> <p>11 he told the whole story about it.</p> <p>12 Q. You say he took a deposition,</p> <p>13 was there a court reporter present?</p> <p>14 A. No, ma'am.</p> <p>15 Q. So you just went and talked to</p> <p>16 him?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. What did he tell you?</p> <p>19 A. Bryan was being treated worse</p> <p>20 than a dog; they wouldn't give him any water</p> <p>21 when he wanted water; they made him sleep in</p> <p>22 there in that room, in that cold room; they</p> <p>23 give him that little two-inch mat to sleep</p>
Page 66	Page 68
<p>1 beginning. I went and talked to Sheriff</p> <p>2 Owens; Sheriff Owens let me know right quick</p> <p>3 that I run this sheriff -- I mean, I run</p> <p>4 this office; and you ain't got a thing do</p> <p>5 with it.</p> <p>6 Q. Did he give you any advice?</p> <p>7 A. No, ma'am. He said, there</p> <p>8 ain't anything I can do, Ray.</p> <p>9 Q. You said you talked to a</p> <p>10 Deputy Stroud?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. What did you talk to him</p> <p>13 about?</p> <p>14 A. Exact -- You know, the same</p> <p>15 thing, why Bryan was being treated so much</p> <p>16 different than the other inmates were.</p> <p>17 Q. What did he tell you?</p> <p>18 A. Well, he wouldn't tell me</p> <p>19 anything while he was working for him. But</p> <p>20 he told me the whole story after he quit</p> <p>21 with them.</p> <p>22 Q. How many times did you talk to</p> <p>23 him while he was still employed there?</p>	<p>1 on, and at night they take it away from him.</p> <p>2 In the morning, knowing the condition that</p> <p>3 his back was already in, and he's -- I could</p> <p>4 tell that he was getting sicker and sicker.</p> <p>5 Q. Anything else he told you</p> <p>6 about Bryan's incarceration?</p> <p>7 A. Several different things.</p> <p>8 Q. What else did he tell --</p> <p>9 A. My memory doesn't -- The</p> <p>10 conversation lasted from about an hour to an</p> <p>11 hour and a half. My attorney was asking</p> <p>12 most of the questions to him.</p> <p>13 Q. Did he ever tell you that he</p> <p>14 had seen anybody abusing Bryan?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Who did he tell you that he</p> <p>17 had seen abuse Bryan?</p> <p>18 A. Al Bradley.</p> <p>19 Q. What did he tell you about</p> <p>20 that specifically, if can you recall?</p> <p>21 A. I can't recall.</p> <p>22 Q. Do you know where Mr. Stroud's</p> <p>23 currently working?</p>

17 (Pages 65 to 68)

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## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 69</p> <p>1 A. No, ma'am.</p> <p>2 Q. And you said that you talked</p> <p>3 to a jailer by the first name of Tim?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. How many times did you talk to</p> <p>6 him?</p> <p>7 A. Once.</p> <p>8 Q. Where were you when you talked</p> <p>9 to him?</p> <p>10 A. In the jailhouse.</p> <p>11 Q. What did you talk to Tim</p> <p>12 about?</p> <p>13 A. Bryan's situation.</p> <p>14 Q. Did he respond to you any</p> <p>15 differently than the other?</p> <p>16 A. No, ma'am. He said that I try</p> <p>17 to treat him as well as I can, Ray, within</p> <p>18 my bounds.</p> <p>19 Q. Did he tell you that he had</p> <p>20 seen anybody abuse Bryan or not treat him</p> <p>21 properly?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Okay. Other than Deputy</p>	<p style="text-align: right;">Page 71</p> <p>1 with about Bryan's incarceration over at the</p> <p>2 jail?</p> <p>3 A. There was an inmate, Scotty</p> <p>4 was his name, but he got killed in prison.</p> <p>5 Q. Okay. What had Scotty told</p> <p>6 you, Mr. Kelley?</p> <p>7 A. He told me that he had seen Al</p> <p>8 Bradley beat and slap and push on Bryan and</p> <p>9 single him out personally, and put him in</p> <p>10 the hole. And on one occasion, I went down</p> <p>11 there to see if I could talk to someone</p> <p>12 about Bryan's situation. I walked in the</p> <p>13 front door, and they were coming out from</p> <p>14 back yonder way (indicating). Al Bradley</p> <p>15 had him under one arm, Sergeant Wendy had</p> <p>16 him under the other arm, and he had a towel</p> <p>17 or something around him. And they were -- I</p> <p>18 guess he was so weak he couldn't walk,</p> <p>19 because they were dragging him. He seen me,</p> <p>20 he said, Daddy, please don't let them put me</p> <p>21 back in that hole. Daddy, please. And Al</p> <p>22 Bradley told me, said, get the hell out of</p> <p>23 here.</p>
<p style="text-align: right;">Page 70</p> <p>1 Stroud, did you talk to anybody that was</p> <p>2 employed over at the jail while Bryan was</p> <p>3 there, that told you they thought Bryan was</p> <p>4 being mistreated or abused?</p> <p>5 A. Mr. Bartly.</p> <p>6 Q. Mr. Bartly?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Who is Mr. Bartly?</p> <p>9 A. He was an inmate.</p> <p>10 Q. What did Mr. Bartly tell you?</p> <p>11 A. He watched Al slap Bryan</p> <p>12 upside the head. And then one day on</p> <p>13 visitation, Bryan come out with a military</p> <p>14 mustache, and Al Bradley grabbed him right</p> <p>15 here (indicating) and pulled his lip up like</p> <p>16 that (indicating), and said, you son of a</p> <p>17 bitch, if you want to see your daddy out</p> <p>18 there, you will go back and cut that off.</p> <p>19 Q. Did Mr. Bartly say he had seen</p> <p>20 that?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Okay. Any other inmates or</p> <p>23 jailers that you've had any conversation</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Was there anybody else that</p> <p>2 was working down there that would have</p> <p>3 overheard that, Mr. Kelley?</p> <p>4 A. I got -- I got -- I couldn't</p> <p>5 stand watching it, so I went out. It was</p> <p>6 more than I could stand.</p> <p>7 I also asked Ricky Owens in</p> <p>8 that conversation that we had, didn't he</p> <p>9 know that Al Bradley was an alcoholic? He</p> <p>10 said, I know he's got a drinking problem,</p> <p>11 but we're working on that. But every time I</p> <p>12 went down there to put money on Bryan's</p> <p>13 books, they have a little hole there and</p> <p>14 alcohol out there would knock you down.</p> <p>15 Q. So when you would take money</p> <p>16 to put on the books, was it Al that would</p> <p>17 take the money?</p> <p>18 A. Uh-huh.</p> <p>19 Q. Is that a yes?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. Was that every time you put</p> <p>22 money on his books?</p> <p>23 A. Just about every time. We was</p>

18 (Pages 69 to 72)

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 73</p> <p>1 sitting in the courtroom in Sylacauga, and  2 the law officers were sitting on one side  3 and Kelly Johnson -- Kelly Johnson's son is  4 a city police officer, and David Law was  5 sitting over there with him, they was  6 carrying on a casual conversation. And  7 David Law said that -- which Wanda heard  8 this, me and Wanda both was listening to  9 him, and he said Al Bradley kept me up all  10 night long last night drunk as a cooter.  11 And I kept telling him I had to go to bed,  12 put my kids to bed; but he just kept on and  13 on. The drunk scoundrel wouldn't hang the  14 phone up. And the whole police department  15 and all of them were laughing like crazy.  16 <b>Q. Had y'all ever had any</b>  17 <b>dealings with Al Bradley prior to Bryan's</b>  18 <b>incarceration?</b>  19 A. I didn't even know the man.  20 <b>Q. Do you know whether Bryan did?</b>  21 A. No, ma'am.  22 <b>Q. Anybody else that you would</b>  23 <b>talk to over at the jail that you can</b></p>	<p style="text-align: right;">Page 75</p> <p>1 <b>been taken to the hospital?</b>  2 A. No, ma'am.  3 <b>Q. Okay. He had not been taken</b>  4 <b>anywhere to see a doctor?</b>  5 A. Not to my knowledge.  6 <b>Q. Okay. Every time that you saw</b>  7 <b>Bryan while he was there at the jail, was it</b>  8 <b>on a Saturday?</b>  9 A. Yes, ma'am.  10 <b>Q. Okay. And would you sign in</b>  11 <b>when you would go, Mr. Kelley?</b>  12 A. Yes, ma'am.  13 <b>Q. Was there ever a time when</b>  14 <b>they denied you visitation with Bryan?</b>  15 A. No, ma'am.  16 <b>Q. But each time you would have</b>  17 <b>logged in that you were there?</b>  18 A. Yes, ma'am.  19 <b>Q. Okay. And you're telling me</b>  20 <b>that this particular Saturday would have</b>  21 <b>been -- was that the first Saturday you had</b>  22 <b>gotten to see him since he'd gotten there,</b>  23 <b>if you can remember?</b></p>
<p style="text-align: right;">Page 74</p> <p>1 <b>remember, Mr. Kelley?</b>  2 A. No, ma'am.  3 <b>Q. Is there anything else about</b>  4 <b>Bryan's incarceration that you can recall?</b>  5 A. We went down there the day  6 that he -- it was Saturday -- Well, the  7 first time that I noticed that Bryan was  8 being mistreated, and I told Wanda she  9 needed to start logging it. He had fell and  10 broke his foot, he showed it to me; and the  11 bone was sticking up about this far  12 (indicating). And that was on a Saturday.  13 I left there, and I went to Ricky Owen's  14 house. That was when -- he said, I'll have  15 the paramedics go and pick him up right now.  16 And I come back to Rockford, and I sat and I  17 waited and I waited and I waited and I  18 waited. I waited out there three hours, no  19 paramedics ever showed up.  20 So the next Saturday, when I  21 came back and they let me see him, they had  22 put an Ace bandage on that broke foot.  23 <b>Q. Do you know whether he had</b></p>	<p style="text-align: right;">Page 76</p> <p>1 <b>It's okay if you can't.</b>  2 A. Yes. It would have had to  3 have been the first or the second, because  4 he wasn't in there long before they put him  5 in the hole. They put him in the hole right  6 after he broke his foot.  7 <b>Q. Okay. So it would have been</b>  8 <b>sometime before that; correct?</b>  9 A. Yes, ma'am.  10 <b>Q. Anything else that you can</b>  11 <b>recall?</b>  12 A. Well, each time -- Every  13 Saturday, when I'd get in there to see him,  14 his whole face would break out in big  15 whelps, just like somebody with acne. There  16 would be big old knots that would come on  17 his skin, on his forehead especially.  18 <b>Q. And that would happen while he</b>  19 <b>was in there with you?</b>  20 A. Yes, ma'am.  21 <b>Q. Okay. How long would you get</b>  22 <b>to spend with him each Saturday?</b>  23 A. Fifteen minutes.</p>

19 (Pages 73 to 76)

## FREEDOM COURT REPORTING

Page 77

1       **Q.** Let me make sure I understand  
 2 **correctly. When he would come into the room**  
 3 **with you, he would not have those whelps,**  
 4 **but while you were there he would get them?**  
 5       A. Yes.  
 6       **Q.** Is that right? Am I  
 7 **understanding correctly?**  
 8       A. Yes, ma'am.  
 9       **Q.** Okay. Anything else that you  
 10 **remember, Mr. Kelley?**  
 11       A. Just what he told us after he  
 12 got out. Every time he'd try to tell us  
 13 something on the phone, they'd cut the phone  
 14 off, when he got to use the telephone.  
 15       **Q.** How often would you say y'all  
 16 **heard from him while he was there?**  
 17       A. Sometimes it would be two or  
 18 three days.  
 19       **Q.** And he would call y'all  
 20 **collect on the number you gave me while ago?**  
 21       A. Yes, ma'am.  
 22       **Q.** How long would you get to talk  
 23 **to him when he called?**

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1       A. Seven minutes I believe it is,  
 2 unless they cut us off. And most of the  
 3 time they cut us off, and they tried to tell  
 4 me something that was going on.  
 5       **Q.** All right. You've said they  
 6 **tried to cut you off, did somebody come and**  
 7 **physically hang up the phone?**  
 8       A. I guess they unplugged the  
 9 thing out there, the switchboard.  
 10       **Q.** Do you know?  
 11       A. No, ma'am. I don't know that.  
 12 But the phone would go dead.  
 13       **Q.** The phone would go dead?  
 14       A. And especially when he tried  
 15 to tell me -- He's always been real  
 16 particular about his teeth. He always had  
 17 beautiful teeth. And --  
 18       **Q.** Which teeth was it that he got  
 19 **knocked out?**  
 20       A. Two right here (indicating).  
 21       **Q.** Two at the side of his mouth  
 22 **at the top?**  
 23       A. Yes.

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1       MR. WILLFORD: Just for the  
 2 Record, you were pointing to the right side  
 3 of your head, sir?  
 4       THE WITNESS: Yes, sir, right  
 5 side.  
 6       MR. WILLFORD: Okay.  
 7       A. Then he told us tremendous --  
 8 it was ungodly stuff that he told us that  
 9 went on out there, when he got out to where  
 10 he could talk to us face-to-face. I thought  
 11 to myself, how in the world could a human do  
 12 another human this way.  
 13       Saddam Hussein was brought  
 14 over here and checked and seen a doctor, and  
 15 he was one of the worst enemies that the  
 16 United States had. And my son was put into  
 17 a six-by-eighty hole and held in there for  
 18 forty-something days, and then cardboard was  
 19 put over the little hole that you see out  
 20 of. What kind of human beings do that to  
 21 another human being?  
 22       **Q.** Do you know whether Bryan saw  
 23 **a doctor while he was incarcerated?**

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1       A. They said that Dr. Weaver come  
 2 over there. To my knowledge, I don't know.  
 3 They brought medicine from somewhere.  
 4       **Q.** Did you ever talk to  
 5 **Dr. Weaver, Mr. Kelley?**  
 6       A. No.  
 7       **Q.** Okay. Do you know whether he  
 8 **was seen by anybody with mental health while**  
 9 **he was there?**  
 10       A. Not to my knowledge.  
 11       **Q.** Okay. Do you know whether he  
 12 **was ever taken to the hospital during**  
 13 **those --**  
 14       A. He was took on one occasion, I  
 15 don't know what it was for. But the second  
 16 occasion, he was took, Dr. Law said if he'd  
 17 stayed down there one more night there  
 18 wouldn't have been no use in bringing him,  
 19 he'd have been dead. They tried to put an  
 20 IV in him, and the IV wouldn't go in. It  
 21 spread out into his body. He said I could  
 22 give him one Tylenol and it would kill him.  
 23       **Q.** And that was at Russell

20 (Pages 77 to 80)

## FREEDOM COURT REPORTING

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1 **Hospital where they took him?**  
 2 A. Yes, ma'am.  
 3 **Q. Okay.**  
 4 A. He was in a dying situation  
 5 for -- they put him on a liver transplant  
 6 list.  
 7 **Q. When he got to Russell, they**  
 8 **did?**  
 9 A. Yes, ma'am. Toted him to the  
 10 car with handcuffs on him.  
 11 **Q. How long was he in the**  
 12 **hospital once they got him to Russell?**  
 13 A. Two or three weeks.  
 14 **Q. And then when he was released**  
 15 **from the hospital where did he go?**  
 16 A. Back to jail.  
 17 **Q. Back to Coosa County?**  
 18 A. Yes, ma'am. Dr. Law wrote out  
 19 a prescription for him not to be returned to  
 20 Coosa County Jail, that he needed to be put  
 21 into a place where they had adequate people  
 22 to take care of him and look out after him.  
 23 And they transferred him from Coosa County

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1 to Clay County. Which they were excellent  
 2 in Clay County.  
 3 **Q. You didn't have any problems**  
 4 **with the people in Clay County?**  
 5 A. No, ma'am. We appreciated  
 6 those people over there. They was super  
 7 nice.  
 8 **Q. What about at -- When Bryan's**  
 9 **been at Sylacauga Police Department, did you**  
 10 **have any problem with the people working at**  
 11 **the jail other there?**  
 12 A. No. They're super nice.  
 13 **Q. Talladega?**  
 14 A. No, ma'am.  
 15 **Q. Alex City?**  
 16 A. I don't guess -- I don't think  
 17 he's ever been in Alex City Jail, not to my  
 18 knowledge.  
 19 **Q. What about when he was at the**  
 20 **Department of Corrections?**  
 21 A. He never had a black mark  
 22 against him.  
 23 **Q. But did you and Ms. Kelley**

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1 **have any problems with the people when he**  
 2 **was in prison, anybody that was --**  
 3 A. No.  
 4 **Q. Okay.**  
 5 A. The only place that's, in my  
 6 own words, was in this hell hole down here.  
 7 **Q. After Bryan got released or**  
 8 **got back home, can you tell me what he told**  
 9 **you happened to him while he was**  
 10 **incarcerated here?**  
 11 A. He said that at night time, he  
 12 would wait and listen. And if he ever heard  
 13 that click, he knew that Al Bradley was  
 14 coming in there.  
 15 And we took pictures of him  
 16 when he was released. And Bryan had told us  
 17 prior to that that he had whipped him  
 18 several different occasions with a hose  
 19 pipe. They had a black -- He had tape  
 20 wrapped around the end of it where he could  
 21 hold it and have a grip on it. We have a  
 22 picture of him right here where he had a  
 23 black mark where he hit him with a hose

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1 pipe. He kicked him in the groin; he kicked  
 2 him in the sides. He said I would go in a  
 3 fetal position, Daddy, trying to protect  
 4 myself. I done got so weak that I couldn't  
 5 do anything else except stay there.  
 6 He said he tried to stick a  
 7 broom handle up his rectum. The other  
 8 deputy, like I said before, he could see in  
 9 his eyes that he didn't want to be  
 10 participating in it, but Al Bradley would  
 11 make him hold his legs apart while he kicked  
 12 him.  
 13 **Q. Did he tell you how many times**  
 14 **this happened to him?**  
 15 A. He didn't say how many times,  
 16 but it had to have been numerous occasions.  
 17 Because Bryan said he would lay awake at  
 18 night waiting, every night, to see if he  
 19 heard that click. If he heard that click,  
 20 he knew that they were fixing to come in  
 21 there and beat him, beat the stew out of  
 22 him.  
 23 **Q. Did he ever tell you this**

21 (Pages 81 to 84)



## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 85</p> <p>1 while he was incarcerated?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Okay. He didn't tell you any</p> <p>4 of this until he got out?</p> <p>5 A. They wouldn't let -- Like I</p> <p>6 said, every time we talked on the phone, he</p> <p>7 would try to tell me something, they would</p> <p>8 cut the phone off right then.</p> <p>9 Q. When you would go see him on</p> <p>10 Saturdays, did he ever tell you things that</p> <p>11 were going on with Mr. Bradley?</p> <p>12 A. He would try to tell me things</p> <p>13 through the mirror. You know, you have this</p> <p>14 glass, but there was no way he could get</p> <p>15 over to me what was going on.</p> <p>16 Q. You said you had a picture.</p> <p>17 Where is the photograph, Mr. Kelley?</p> <p>18 A. Mr. Stockham has it.</p> <p>19 MS. MCDONALD: Have you given</p> <p>20 us that, Richard?</p> <p>21 MR. STOCKHAM: Yes, I have. I</p> <p>22 sent you Xeroxes of them. I have a color</p> <p>23 copy of it.</p>	<p style="text-align: right;">Page 87</p> <p>1 black coffee you ever seen.</p> <p>2 Q. Did they tell you what that</p> <p>3 was a result of, what it was from, what</p> <p>4 caused that?</p> <p>5 A. Overdose of medicine.</p> <p>6 We pulled it up on the</p> <p>7 computer, and every medicine that they was</p> <p>8 giving him was contradicting the other one.</p> <p>9 It was just like giving him arsenic poison.</p> <p>10 Q. Do you know who was</p> <p>11 prescribing his medication?</p> <p>12 A. We don't know who prescribed</p> <p>13 it. But we have a list of who administered</p> <p>14 it.</p> <p>15 Q. Okay. Do you know whether</p> <p>16 they were giving his medicines as it was</p> <p>17 prescribed?</p> <p>18 A. No.</p> <p>19 Q. They were not?</p> <p>20 A. No, ma'am.</p> <p>21 Q. Okay.</p> <p>22 A. According to Bryan, Al</p> <p>23 Bradley, if he ever hollered for a glass of</p>
<p style="text-align: right;">Page 86</p> <p>1 MS. MCDONALD: Okay.</p> <p>2 Q. (BY MS. MCDONALD): When was</p> <p>3 the photograph taken of Bryan?</p> <p>4 A. When he was in Russell</p> <p>5 Hospital. He had an ingrown toenail that</p> <p>6 they had to surgically remove, his legs up</p> <p>7 to his knees was completely -- he got frost</p> <p>8 bite up to his knees. It took his mother</p> <p>9 six months to ever get the blood circulating</p> <p>10 back into his legs because of the</p> <p>11 hypothermia in the legs.</p> <p>12 Q. How many photographs are</p> <p>13 there, Mr. Kelley?</p> <p>14 A. We've got several. He looked</p> <p>15 like a pumpkin when they first admitted him</p> <p>16 into the hospital. He looked like a big</p> <p>17 pumpkin.</p> <p>18 Q. The photographs, can you tell</p> <p>19 me what they're of? I know you said there</p> <p>20 was one of his face.</p> <p>21 A. His whole body. They took the</p> <p>22 urine test down there, and he teeteeed about</p> <p>23 a cup full, and it was blacker than any</p>	<p style="text-align: right;">Page 88</p> <p>1 water or something, Al Bradley would come in</p> <p>2 there and give him a pill to shut him up,</p> <p>3 shut him down. They had him on seven or</p> <p>4 eight antipsychotic medicines, and then on</p> <p>5 top of that had him on phenobarbital.</p> <p>6 Q. Was he on any of that</p> <p>7 medication prior to being admitted to the</p> <p>8 jail?</p> <p>9 A. He was on -- What was he on?</p> <p>10 He was on some medicine, but nothing like</p> <p>11 all of them. And, see, you can't -- you</p> <p>12 can't take one like Seroquel, you can't take</p> <p>13 it and phenobarbital together.</p> <p>14 Phenobarbital is to get you off of</p> <p>15 something, and Seroquel is to shut your mind</p> <p>16 down.</p> <p>17 Q. Anything else that Bryan told</p> <p>18 you after he got out that had happened to</p> <p>19 him while he was at the jail?</p> <p>20 A. Just the beatings. And</p> <p>21 sometimes it would be three to four days</p> <p>22 before they would flush the commode, and</p> <p>23 he'd have to sleep next to his own fetus</p>

22 (Pages 85 to 88)



## FREEDOM COURT REPORTING

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1 (sic). He'd have to wipe himself with a  
 2 Musketeer bar, candy bar wrappers.  
 3 And on one occasion he was  
 4 asking for glass of water, and Al Bradley  
 5 told him if he didn't shut up, he was going  
 6 to take his stuff away from him. And on  
 7 that bunk that he was supposed to have been  
 8 sleeping on, he had a picture of his  
 9 daughter and his family, and that was -- He  
 10 said, you done took everything else, what  
 11 are you going to take from me now? The only  
 12 thing you can do is take my life. And one  
 13 more night and they would have took his  
 14 life.

15 **Q. And that's what Dr. Law told**  
 16 **you?**

17 A. Yes, ma'am.

18 **Q. Any other doctor tell y'all**  
 19 **that?**

20 A. Personally, he had a liver  
 21 specialist down there. I can't remember his  
 22 name, but it was at Russell Hospital, a  
 23 liver specialist. He's the one that put

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1 Bryan on the liver transplant list.

2 **Q. Okay.**

3 A. He said he didn't know if it  
 4 was going to pick up or not. But his skin  
 5 from the knees all the way to the feet  
 6 literally come off.

7 **Q. And you got pictures of his**  
 8 **legs?**

9 A. Not where it was peeling. But  
 10 we got pictures of his whole body. He  
 11 looked like a pregnant woman, but it was  
 12 yellow.

13 **Q. Anything else you can**  
 14 **remember, Mr. Kelley?**

15 A. Pertaining to Bryan's, no.  
 16 But pertaining to the way the jail was run,  
 17 yes.

18 **Q. What else can you remember?**

19 A. Mr. Bartly was a military man.  
 20 And to keep him buying his medicine, they  
 21 would dress Mr. Bartly up and take him to  
 22 the VA Hospital to keep from paying for it  
 23 yourself, and send him in there to get his

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1 own medicine.

2 He told us on one occasion, I  
 3 don't know whether y'all know it or not,  
 4 it's costing me nine hundred dollars a month  
 5 to keep that boy down here.

6 **Q. Who told you that?**

7 A. Sheriff Owens.

8 **Q. Anything else that you can**  
 9 **remember, Mr. Kelley?**

10 A. My nephew was put in there for  
 11 a hunting violation ticket.

12 **Q. Which nephew?**

13 A. David Kelley. And he said it  
 14 was cold back there in the cell, and he  
 15 asked them for a blanket. And they told  
 16 him, they said, we'll give you a blanket all  
 17 right. And they took him and throwed him in  
 18 the hole.

19 **Q. How long was he in the jail?**

20 A. Just overnight. His brother  
 21 come and got him out the next morning. He  
 22 begged his brother to come and get him out  
 23 of there.

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1 **Q. Did Bryan ever tell you**  
 2 **whether Terry Wilson had done anything to**  
 3 **him?**

4 A. Ma'am?

5 **Q. Did Bryan tell you that Terry**  
 6 **Wilson ever did anything to him while he was**  
 7 **in the jail?**

8 A. No, ma'am.

9 **Q. That he did not or he just**  
 10 **didn't tell you?**

11 A. No, ma'am. He said he  
 12 disregarded him when Terry would walk by.  
 13 Because I knew Terry all my life, and I  
 14 never dreamed that Terry would be like that.  
 15 He asked him for water, and he walked by and  
 16 ignored him, just like he wasn't even a  
 17 human being, he wasn't even there.

18 I give a dog a water.

19 **Q. So the only thing that Bryan**  
 20 **has complained against Terry Wilson is that**  
 21 **Terry ignored him?**

22 A. (Witness nods head  
 23 affirmatively.)

23 (Pages 89 to 92)

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 93</p> <p>1 Q. Is that yes?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. What about Wendy Roberson, did</p> <p>4 Bryan ever tell you that she did anything to</p> <p>5 him?</p> <p>6 A. No, ma'am. Except he asked</p> <p>7 her numerous occasions would she flush the</p> <p>8 commode or would she give him some water.</p> <p>9 It stunk in there.</p> <p>10 Q. Did you ever go in that --</p> <p>11 where Bryan was being housed?</p> <p>12 A. I went in there when they</p> <p>13 opened it. For the grand opening, you know,</p> <p>14 when they opened that, built it new.</p> <p>15 Q. Yes, sir.</p> <p>16 A. I went in there then.</p> <p>17 Q. Was that before Bryan had been</p> <p>18 in there or after?</p> <p>19 A. Yes. Way before.</p> <p>20 Q. That's the only time you had</p> <p>21 been in that room though?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. You had never been in there</p>	<p style="text-align: right;">Page 95</p> <p>1 that happened to Bryan? That he saw</p> <p>2 anything?</p> <p>3 A. No. They moved Bryan straight</p> <p>4 into the hole right after he fell and broke</p> <p>5 his foot. He never come out of that hole.</p> <p>6 Q. Any other complaints that you</p> <p>7 can recall that Bryan's made?</p> <p>8 A. No, ma'am. He is still having</p> <p>9 to go to the psychiatrist, and he'll never,</p> <p>10 never be the same again. Bryan's lost.</p> <p>11 They destroyed that child.</p> <p>12 Q. And your testimony is that he</p> <p>13 did not have these problems, mental</p> <p>14 problems, before he was incarcerated?</p> <p>15 A. No, ma'am. He never blacked</p> <p>16 out. Now he'll black out, and two hours</p> <p>17 later he'll come to himself and not even</p> <p>18 know where he's at or whatever. And we've</p> <p>19 had to run him down numerous occasions when</p> <p>20 he thought Al Bradley was after him.</p> <p>21 Q. Had Bryan ever thought anybody</p> <p>22 was after him before he had been</p> <p>23 incarcerated?</p>
<p style="text-align: right;">Page 94</p> <p>1 when Bryan was housed there?</p> <p>2 A. No, ma'am.</p> <p>3 Junior Miller was in there,</p> <p>4 and he begged them to flush the commode.</p> <p>5 They wouldn't flush it. So the next day he</p> <p>6 asked them again to flush the commode, they</p> <p>7 wouldn't flush it. So he just grabbed him a</p> <p>8 hand full of it up, and when they come to</p> <p>9 the door to open it up, he had done smeared</p> <p>10 it all over the door and all over the handle</p> <p>11 and everything else.</p> <p>12 Q. Who is Mr. Miller?</p> <p>13 A. He lives here in Coosa County.</p> <p>14 He said, if I've got to be in the same room</p> <p>15 with it, it might as well be all over the</p> <p>16 doors and the walls too, where they can</p> <p>17 smell it.</p> <p>18 Q. And Mr. Miller told you this?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Was he incarcerated while</p> <p>21 Bryan was there?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Did he tell you about anything</p>	<p style="text-align: right;">Page 96</p> <p>1 A. No.</p> <p>2 Q. Did he ever had hallucinations</p> <p>3 before he was incarcerated?</p> <p>4 A. No. He went -- was perfect in</p> <p>5 high school, went onto college, had two</p> <p>6 semesters in college.</p> <p>7 MS. MCDONALD: Okay. Let's</p> <p>8 take a quick break, and hopefully we're</p> <p>9 getting close to being through, okay?</p> <p>10 (Off the Record.)</p> <p>11 Q. (BY MS. MCDONALD):</p> <p>12 Mr. Kelley, you were going to tell me</p> <p>13 something you had forgotten to tell me a few</p> <p>14 minutes ago?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. What is that?</p> <p>17 A. About the medicine.</p> <p>18 Q. Yes, sir.</p> <p>19 A. They administered the</p> <p>20 medicine. We have photostatic copy of the</p> <p>21 people that give him the medicine, and then</p> <p>22 they tried to mark their names out on it,</p> <p>23 but you can still see who it was. And it</p>

24 (Pages 93 to 96)

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 97</p> <p>1 was jailers that give him the medicine, it 2 wasn't a medical personnel. 3 <b>Q. Okay. The jailers would give</b> 4 <b>him his medicine?</b> 5 A. Yes, ma'am. 6 <b>Q. Do you know whether they were</b> 7 <b>giving it according to how it was written by</b> 8 <b>the doctor?</b> 9 A. No, ma'am. 10 <b>Q. You don't know or they were</b> 11 <b>not?</b> 12 A. On that paper it just -- On 13 that sheet of paper that we got from them, 14 it says so-and-so would give so-and-so, and 15 they would initial it, initial it. 16 <b>Q. They would initial what time</b> 17 <b>he got his meds and what medicine he was</b> 18 <b>given?</b> 19 A. Yes, ma'am. But it was not a 20 medical physician or a nurse or LPN. It was 21 the jailers. 22 <b>Q. Right. And do you know</b> 23 <b>whether other jails, the medicine is given</b></p>	<p style="text-align: right;">Page 99</p> <p>1 <b>Q. Correct me if I'm wrong, I</b> 2 <b>think you testified that Bryan told you a</b> 3 <b>bunch of things about what had happened to</b> 4 <b>him while he was in the jail?</b> 5 A. We tried to get him to forget 6 it. 7 <b>Q. I understand that. How many</b> 8 <b>conversations would you say you had with</b> 9 <b>your son about his incarceration?</b> 10 A. Between ten and fifteen. Each 11 time I would try to cut it short, to get it 12 out of his mind. Because I knew it would 13 lead up to him blacking -- his mind, just 14 that blank stare. Even when he give his 15 deposition here, when Wanda got up to give 16 hers, the day that she give her deposition, 17 he was out here at the car, and he had that 18 blank stare in his eyes. And he was 19 hollering, they can't do that to my mother, 20 they can't do that to my mother. 21 And Mr. Stockham seen what 22 kind of condition he was in. We was all 23 three trying to talk to him and -- but his</p>
<p style="text-align: right;">Page 98</p> <p>1 <b>by a nurse every time somebody needs their</b> 2 <b>medicine?</b> 3 A. Yes, ma'am. 4 <b>Q. Okay.</b> 5 A. Every jail. 6 MS. MCDONALD: I don't have 7 any other questions. 8 EXAMINATION 9 BY MR. WILLFORD: 10 <b>Q. Mr. Kelley, my name is Gary</b> 11 <b>Willford, I'm representing Ricky Owens in</b> 12 <b>this case. And I just have a few questions</b> 13 <b>for you, because I think that Ms. McDonald</b> 14 <b>has covered most of them.</b> 15 <b>Is it fair to say that you and</b> 16 <b>your family have had a lot of conversations</b> 17 <b>about this case since Bryan got out?</b> 18 A. No, ma'am -- I mean, no, sir. 19 <b>Q. You haven't talked about this</b> 20 <b>case a lot?</b> 21 A. We have not -- Especially when 22 Bryan was around, we wouldn't say a word 23 about it.</p>	<p style="text-align: right;">Page 100</p> <p>1 mind had done -- he sat out there and looked 2 at that jail and his mind had done -- 3 <b>Q. Okay. But we didn't do</b> 4 <b>anything to his mother that day, did we?</b> 5 A. No, ma'am -- I mean, no, sir. 6 <b>Q. I just wanted to make sure we</b> 7 <b>got that on the Record, we didn't do</b> 8 <b>anything to Ms. Kelley?</b> 9 A. No. He was thinking that they 10 may do the same thing to my mother that they 11 done to me. 12 <b>Q. Okay. What about -- Let me</b> 13 <b>ask you this: What about you and your wife,</b> 14 <b>how many conversations would you say the two</b> 15 <b>of you have had since Bryan was released</b> 16 <b>from the jail back in January of '04?</b> 17 A. Numerous. Me and her are by 18 ourself. 19 <b>Q. Okay. After we were here the</b> 20 <b>last time and Bryan was out there and you</b> 21 <b>told us about the blank stare and his</b> 22 <b>mother, did he say either Ms. McDonald or I</b> 23 <b>did anything to him during the deposition?</b></p>

25 (Pages 97 to 100)

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 101</p> <p>1 A. No, sir. It was just being 2 back here looking at that jail. It all 3 started coming -- See, we tried to get it 4 not to be in Coosa County. You couldn't 5 give Bryan a million dollars to cross that 6 Coosa County line. He will not come down 7 here. He's scared to death of this place. 8 Q. All right. Now, you said you 9 have been trying to basically keep the 10 conversations shorter and shorter and 11 shorter about what happened as time had gone 12 by, right? Has that had any effect that 13 you've been able to tell? 14 A. No, sir. 15 Q. So he still remembers what 16 happened to him? 17 A. Yes, sir. That's the reason 18 in those, you can look in his eyes and 19 there's nothing in there. 20 Q. Right. Have you had to have 21 been reminded about things that might have 22 happened with your son during these 23 conversations that you've had with your</p>	<p style="text-align: right;">Page 103</p> <p>1 long time ago? 2 A. No, sir. It's short term. 3 Q. Short term memory. I think 4 you gave us some testimony on some things 5 that Mr. Stroud had said, and you've said 6 deposition, but I think we clarified that 7 there wasn't a court reporter there or 8 anything like that. 9 Did Mr. Stroud give a written 10 statement? 11 A. Yes. 12 Q. He did? 13 A. Well, I don't know if he gave 14 a written statement. But Mr. Stockham asked 15 him would it be all right to record it, and 16 he agreed to record it. 17 Q. So there's a recording of that 18 conversation? 19 A. Yes. 20 MR. STOCKHAM: No, there's 21 not. 22 THE WITNESS: There's not? 23 MR. STOCKHAM: No.</p>
<p style="text-align: right;">Page 102</p> <p>1 wife? 2 A. No, sir. 3 Q. So your stroke hasn't had any 4 impact on your ability to remember what you 5 were told about what happened with Bryan? 6 A. No, sir. My stroke -- strokes 7 affected my ability to remember phone 8 numbers and things; like I used to could 9 find my house without thinking about it, and 10 now I have to sit down and think. 11 Q. Is it your long-term memory 12 that's been affected? 13 A. Well, it killed this whole 14 fourth of my brain right here (indicating). 15 Q. And you're pointing to the 16 right side of your head? 17 A. And those four to the front. 18 All this happened during -- while he was 19 incarcerated. 20 Q. What I'm asking you is, is it 21 more your short term memory, things that are 22 happening right now that you have problems 23 remembering, or is it things that happened a</p>	<p style="text-align: right;">Page 104</p> <p>1 THE WITNESS: I thought you 2 recorded it. 3 Q. Same question with Mr. Bartly, 4 is there a written statement of Mr. Bartly 5 that you may have? 6 A. No. 7 Q. Do you know if that was 8 recorded? 9 A. No. 10 Q. Do you have any recorded 11 statements at all about this case? 12 A. No. 13 Q. I think you told us that Bryan 14 is currently in City of Hope in Anniston; 15 right? 16 I'm sorry, Ensley. I don't 17 know why I have Anniston here, it's Ensley. 18 And that's a halfway house; right? 19 A. Yes. 20 Q. Is he getting any type of drug 21 or alcohol treatment while he's in there? 22 A. They have a nurse that 23 monitors his medicine.</p>

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## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 105</p> <p>1 Q. When I'm talking about drug 2 and alcohol treatment, I'm talking about 3 illegal drug treatment. Is he getting any 4 treatment? 5 A. They test him every week. 6 Q. But is he getting treatment? 7 A. He goes to Dr. Faber. 8 Q. For drug addiction? 9 A. No. For his mental situation. 10 Q. What about for alcohol, is he 11 being treated for that? 12 A. No. 13 Q. But you said he's receiving 14 mental treatment while he's there in Ensley; 15 is that right? 16 A. Yes. 17 Q. And he sees Dr. Faber? 18 A. Yes, sir. 19 Q. Is Dr. Faber coming to the 20 facility where he's at or are they taking 21 him to Dr. Faber? 22 A. We take him. 23 Q. You take him?</p>	<p style="text-align: right;">Page 107</p> <p>1 A. Yes. 2 Q. And you couldn't remember the 3 names of all of them, and that's okay, I'm 4 not going to ask about you that. The reason 5 I wanted to make that clear is to ask you 6 this question: Why has he been in so many 7 different facilities? 8 A. The lady that you call -- the 9 social worker that you get in contact with 10 when -- like Bryan was being released. And 11 Wanda got in touch with the social worker, 12 and so she give her a list of homes there in 13 Birmingham right around UAB. And so we took 14 it for granted that the state and all kept a 15 close check on these. But come to find out, 16 nobody don't. She puts herself up as a very 17 nice black lady, but -- 18 Q. Who is she? 19 A. Ms. -- I can't remember her 20 name. 21 Q. Where does she work? 22 A. She has about five or six of 23 these homes.</p>
<p style="text-align: right;">Page 106</p> <p>1 A. Yes. 2 Q. How often does he see 3 Dr. Faber? 4 A. Every Tuesday. He works on 5 Tuesdays and Thursdays. 6 Q. Works where? 7 A. In Pelham. He's not only a 8 doctor of psychiatrist, he's a forensic 9 psychiatrist. 10 Q. Okay. Did Bryan see him 11 before he was incarcerated here at the Coosa 12 County Jail? 13 A. Not to my knowledge. 14 Q. Okay. So he didn't see him 15 until after he was released? 16 A. Yes, sir. 17 Q. And I'm talking about 18 Dr. Faber. 19 A. Yes, sir. 20 Q. All right. Now, you've also 21 told us that there were three other 22 facilities that Bryan has been in in 23 Birmingham; is that right?</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. Okay. These homes that are in 2 Birmingham that you were talking about? 3 A. Yes. 4 Q. She owns them? 5 A. Yes, sir. 6 Q. Okay. So you were telling us 7 that you thought the state kept track of 8 these homes? 9 A. They have a rating list. 10 Q. Okay. And you got that rating 11 list from whom? 12 A. The social worker. 13 Q. The social worker owns these 14 facilities? 15 A. No, sir. The social worker 16 faxes you the names and what they are out to 17 the side of it. Like once a month or once 18 every couple of months someone would go out 19 and have an inspection of this home, and 20 they rate them just like they do cafes. 21 Q. Like a health department 22 rating? 23 A. Yes, sir. And she had a very</p>

27 (Pages 105 to 108)



## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 109</p> <p>1 high rating, so we wanted to put him in a 2 good place. 3 Well, the first place, the 4 first time we went up there, there was two 5 blacks under the back porch smoking crack. 6 <b>Q. Okay.</b> 7 A. We knew that wasn't going to 8 work. 9 <b>Q. Which facility was that, do</b> 10 <b>you remember?</b> 11 A. It was the first one that we 12 put him in, but I can't remember the name of 13 it. There was so many -- you know -- so 14 many different facilities to put him in. 15 <b>Q. Did you report that to</b> 16 <b>anybody?</b> 17 A. Yes. 18 <b>Q. Who did you report it to?</b> 19 A. The lady that's over -- giving 20 these sheets out. 21 <b>Q. The social worker?</b> 22 A. Yes. 23 <b>Q. What is the social worker's</b></p>	<p style="text-align: right;">Page 111</p> <p>1 see about who these facilities are. 2 <b>Q. (BY MR. WILLFORD): So you</b> 3 <b>reported these two folks smoking crack at</b> 4 <b>the first facility to Donna?</b> 5 A. Uh-huh. 6 <b>Q. Did you take Bryan out of that</b> 7 <b>facility right then?</b> 8 A. Yes. The very day, the same 9 day. 10 <b>Q. Where did he go after that?</b> 11 A. To Cornelius'. 12 <b>Q. To Cornelius'?</b> 13 A. Yes. 14 <b>Q. And that's another one of</b> 15 <b>these facilities in Birmingham?</b> 16 A. Yes. 17 <b>Q. Is that owned by the same</b> 18 <b>lady, Cornelius'?</b> 19 A. No. 20 <b>Q. So this is a different owner?</b> 21 A. This is a gentleman. 22 <b>Q. All right. Why did Bryan</b> 23 <b>leave Cornelius'?</b></p>
<p style="text-align: right;">Page 110</p> <p>1 <b>name?</b> 2 A. She said that -- 3 <b>Q. No, sir. What is her name?</b> 4 A. Donna, if I'm not mistake. 5 <b>Q. Do you know her last name?</b> 6 A. No, sir. 7 <b>Q. Do you know --</b> 8 A. Wanda always talked to her on 9 the telephone, so all I was getting was I'm 10 talking to Donna on the phone. 11 <b>Q. You said this Donna faxed you</b> 12 <b>this list of facilities?</b> 13 A. Yes, sir. 14 <b>Q. Do you still have that list of</b> 15 <b>facilities?</b> 16 A. Yes, sir. 17 <b>Q. Have you given that list to</b> 18 <b>your attorney?</b> 19 A. No, sir. 20 MR. WILLFORD: Can we see 21 about getting a copy of that? 22 MR. STOCKHAM: Sure. 23 MR. WILLFORD: Just so we can</p>	<p style="text-align: right;">Page 112</p> <p>1 A. Well, he's still actually at 2 Cornelius'. Cornelius had a building that 3 had four in it. 4 <b>Q. Four what?</b> 5 A. It had six people in it. So 6 out back, he had a two-story apartment that 7 had one person living downstairs and one 8 person living upstairs. And so they moved 9 Bryan because Bryan -- he liked Bryan. 10 Bryan had done all his plumbing and handy 11 work and stuff like that. 12 <b>Q. Do you remember this</b> 13 <b>gentleman's name?</b> 14 A. His name is Cornelius. I know 15 that guy's card in my pocket. I'm thinking 16 it was Cornelius Burnham. 17 <b>Q. Burnham?</b> 18 A. Cornelius Burnham, if I'm not 19 mistaken. 20 You see, it's still actually 21 at the same facility but it was three 22 different moves. He wanted to build an 23 apartment in his basement and let Bryan live</p>

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<p style="text-align: right;">Page 113</p> <p>1 in his basement, that was how much he liked 2 him.</p> <p>3 <b>Q. Mr. Burnham owns the facility 4 that Bryan is currently in; is that right?</b></p> <p>5 A. Yes, sir.</p> <p>6 <b>Q. All right. What about the 7 other two -- We talked about the first one 8 he went, and we're talking now about the 9 Ensley facility. What about the other two 10 in Birmingham that he was moved from?</b></p> <p>11 A. See, there was only three of 12 them.</p> <p>13 <b>Q. So the third -- Okay. Okay. 14 All right. What about the second one now?</b></p> <p>15 A. Actually this house was in the 16 front. It housed from four to six people. 17 And like I said, Cornelius liked Bryan and 18 he knew that Bryan knew a lot about 19 carpenter work and stuff like that. So he 20 made a deal with Bryan that he would cut his 21 rent half in two and give him a private 22 room, his own bath, you know, and he didn't 23 have to share anything with anybody. And</p>	<p style="text-align: right;">Page 115</p> <p>1 A. She reported it to the state.</p> <p>2 <b>Q. Okay.</b></p> <p>3 A. Because in these facilities, 4 they're supposed to provide them with three 5 meals a day, a nurse on-call to administer 6 the medication, and heating and cooling, a 7 nice place to live, because he was having to 8 pay from five hundred to a thousand dollars 9 a month.</p> <p>10 <b>Q. Okay. Other than Mr. Bartly 11 and Junior Miller, are you aware of any 12 other inmate who was treated poorly in the 13 Coosa County Jail during the time that Bryan 14 was there?</b></p> <p>15 A. I don't know of anyone being 16 treated poorly. But I remember there was an 17 inmate named Selman, and he still calls 18 today.</p> <p>19 <b>Q. Can you spell that?</b></p> <p>20 A. Selman.</p> <p>21 <b>Q. S-E-L-M-A?</b></p> <p>22 A. S-E-L-M-A-N.</p> <p>23 <b>Q. Is that his first or last</b></p>
<p style="text-align: right;">Page 114</p> <p>1 the guy upstairs, you know, didn't have 2 anything to do with him.</p> <p>3 <b>Q. Let me see if I can come at it 4 this way. You told me you had a problem 5 with the first facility that Bryan was in 6 because of the two folks you saw smoking 7 crack.</b></p> <p>8 A. Yes, sir.</p> <p>9 <b>Q. Of any of the other places 10 that Bryan has been, and I'm talking about 11 hospitals, halfway houses, treatment 12 facilities, anything at all like that that 13 he has been in, have you had problems with 14 any of the other facilities?</b></p> <p>15 A. No, sir.</p> <p>16 <b>Q. So this lady Donna, that one 17 facility is the only one you've had problems 18 with?</b></p> <p>19 A. Yes, sir. And she did go and 20 check it. And . . .</p> <p>21 <b>Q. I'm sorry. You told Donna 22 about it. You couldn't remember the name of 23 the lady that rented it?</b></p>	<p style="text-align: right;">Page 116</p> <p>1 name?</p> <p>2 A. That was all we ever known him 3 as is Selman.</p> <p>4 <b>Q. And he calls the house that 5 you're at now?</b></p> <p>6 A. He calls about every week now.</p> <p>7 <b>Q. Do you know his phone number?</b></p> <p>8 A. I can get it.</p> <p>9 <b>Q. Do you know where he lives?</b></p> <p>10 A. He said he seen Al Bradley hit 11 Bryan on numerous occasions.</p> <p>12 <b>Q. Do you know where Mr. Selman 13 lives?</b></p> <p>14 A. In Selma, Alabama. That's the 15 reason we call him Selman.</p> <p>16 <b>Q. Gotcha. Do you know anybody 17 else that lives in Selma that might call 18 you?</b></p> <p>19 A. No, sir.</p> <p>20 <b>Q. What about before Bryan was 21 incarcerated, has anybody at the Coosa 22 County Jail -- has anybody come forward and 23 told you that they were abused or mistreated</b></p>

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1 during any time prior to Bryan being in the  
2 jail?  
3 A. In the State of Alabama, Coosa  
4 County.  
5 Q. Sir, answer my question. Has  
6 anybody come to you and said that I was  
7 mistreated prior to the time that your son  
8 was in the jail?  
9 A. Yes.  
10 Q. Who?  
11 A. Scotty Thomas.  
12 Q. He's the one who's dead;  
13 right?  
14 A. No. He's very much alive.  
15 David -- Scotty Thomas, Mr. Bartly.  
16 Q. Other than Bartly and Junior  
17 Miller, we've already talked about them.  
18 A. They're the only ones that I  
19 can.  
20 Q. Okay. Let's talk about Scotty  
21 Thomas then. What did he say was done to  
22 him while he was in the Coosa County Jail?  
23 A. He said that he didn't -- on

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1 the grits, it was supposed to be grits that  
2 they cooked for breakfast. There would be  
3 beetles in the grits, things moving around  
4 in it. I guess it's grits. He said he  
5 couldn't eat, the way he put it, slop.  
6 Q. Anything else?  
7 A. No.  
8 Q. When was Mr. Thomas in the  
9 Coosa County Jail?  
10 A. I have no idea.  
11 Q. But you're sure it was before  
12 your son was in?  
13 A. Yes, sir.  
14 Q. All right. Do you know where  
15 Mr. Thomas is now?  
16 A. He lives on Houston Road.  
17 Q. Here in Rockford?  
18 A. It's Stewartville, in  
19 Stewartville.  
20 Q. Okay. Has Bryan ever had a  
21 car stolen?  
22 A. Stolen?  
23 Q. Yes, sir.

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1 A. Not that I know of.  
2 Q. You may have answered this  
3 question in a different way, but I want to  
4 ask it just to be sure. You have testified  
5 about a number of conversations that you've  
6 had with different -- or that you had with  
7 different defendants in this case, Ricky  
8 Owens, Wendy, and different folks. Were any  
9 of those conversations, whether they were in  
10 person or on the telephone, recorded?  
11 A. No, sir.  
12 Q. Do you know of any  
13 conversations that your wife might have had  
14 with any of the defendants in this case that  
15 were recorded?  
16 A. No, sir.  
17 Q. And I think you testified  
18 about at least one car accident that Bryan  
19 was in. That's the one with the first  
20 degree assault charges came out of?  
21 A. Yes, sir.  
22 Q. Has he been in any other car  
23 wrecks besides that one?

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1 A. He's had several in his  
2 lifetime.  
3 Q. About how many, would you say?  
4 A. Like four.  
5 Q. Were any of the others as  
6 serious as the one that he had that resulted  
7 in the charges?  
8 A. No, sir.  
9 Q. Was he ever hospitalized as a  
10 result of any of the other wrecks?  
11 A. No, sir.  
12 Q. In testifying about  
13 Mr. Bradley, earlier, I think you said that  
14 Bryan said he would wait for -- or he would  
15 wait at night to hear a click, and that  
16 would let him know that Al was coming; was  
17 that right?  
18 A. Yes, sir.  
19 Q. All the incidents that Bryan  
20 has told you about, involving Mr. Bradley,  
21 did those occur at night?  
22 A. To my knowledge, I do not  
23 know.

30 (Pages 117 to 120)

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1 Q. You don't know. Okay.  
 2 Why would he lay awake at  
 3 night waiting for a click if they didn't  
 4 happen at night?  
 5 A. To my knowledge, I don't -- I  
 6 have no idea.  
 7 Q. Okay.  
 8 A. Most jailers just go up and  
 9 stick the key and turn the lock.  
 10 Q. What was the click from, do  
 11 you know?  
 12 A. Where he was sliding that key  
 13 and turning it real soft.  
 14 Q. Okay. But he did tell you he  
 15 would lay awake at night waiting for that  
 16 click?  
 17 A. Yes.  
 18 Q. You also testified that my  
 19 client, Ricky Owens, told you that it was  
 20 costing him nine hundred dollars a month to  
 21 keep your son?  
 22 A. Yes, sir.  
 23 Q. What was that nine hundred

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1 dollars for?  
 2 A. The medicines they was giving  
 3 him.  
 4 Q. Okay. And when did he tell  
 5 you that? Was it during one of the three  
 6 meetings that you had with him?  
 7 A. Yes, sir. The meeting that me  
 8 and him and Sergeant Jackson had.  
 9 Q. Was that the one here at the  
 10 office?  
 11 A. The one in the office over at  
 12 the jailhouse.  
 13 Q. Okay. Do you know who it was  
 14 that put David Kelley in the hole, as you  
 15 called it?  
 16 A. No, sir.  
 17 Q. He never told you?  
 18 A. No, sir.  
 19 Q. Do you know who it was that he  
 20 asked for a blanket?  
 21 A. No, sir.  
 22 Q. Do you know why Junior Miller  
 23 was being held in the Coosa County Jail?

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1 A. To my knowledge, no.  
 2 Q. Okay. That's what I'm asking,  
 3 if you know?  
 4 A. No. Huh-uh.  
 5 Q. All right. You testified also  
 6 about a, as you put it a photostatic copy,  
 7 that you have of what sounds like to me is a  
 8 medication log; is that correct?  
 9 A. Correct.  
 10 Q. Where did you get that copy?  
 11 A. From the jailhouse.  
 12 Q. Who gave it to you?  
 13 A. They gave it to my wife. So I  
 14 don't know who gave it to her.  
 15 Q. Okay. But somebody from the  
 16 jail gave it to her?  
 17 A. Yes.  
 18 Q. And she hasn't told you who  
 19 that was?  
 20 A. I never asked her.  
 21 Q. When did she get it?  
 22 A. Right after Bryan was released  
 23 from Bullock.

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1 Q. That would have been in 2005?  
 2 A. I presume -- No, it wasn't.  
 3 He had to have got it before then. I can't  
 4 remember when she got it. But she's got it.  
 5 Q. Does Bryan have a time he's  
 6 supposed to be released from the facility in  
 7 Ensley?  
 8 A. No, sir.  
 9 Q. Okay. So he's not -- it's not  
 10 a program time?  
 11 A. No.  
 12 Q. All right. Is there any kind  
 13 of goal or benchmark that's been set that  
 14 he's supposed to meet before he leaves that  
 15 facility?  
 16 A. No, sir.  
 17 Q. Have y'all talked about any  
 18 plans about him leaving it at some time in  
 19 the future?  
 20 A. Yes, sir. We going to try to  
 21 get it -- get him admitted to Bryce.  
 22 Q. You're trying to get him  
 23 admitted to Bryce?

31 (Pages 121 to 124)



## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 125</p> <p>1 A. Yes, sir.</p> <p>2 Q. Have you done anything as we</p> <p>3 sit here today, to get him admitted to</p> <p>4 Bryce?</p> <p>5 A. Yes, sir.</p> <p>6 Q. What have you done?</p> <p>7 A. We've had a lawyer draw up a</p> <p>8 power of attorney where we can get all of</p> <p>9 his medical reports and if we have power of</p> <p>10 attorney over him.</p> <p>11 Q. And then I guess from that</p> <p>12 you're intending to submit something to</p> <p>13 Bryce; is that right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And you just haven't done that</p> <p>16 yet?</p> <p>17 A. No, sir.</p> <p>18 Q. Is it because you're gathering</p> <p>19 the documents right now?</p> <p>20 A. Yes. My wife's mother is</p> <p>21 dying of melanoma cancer, and she has until</p> <p>22 the 17th of this month to live, and that was</p> <p>23 what the doctor said. And so we've -- we've</p>	<p style="text-align: right;">Page 127</p> <p>1 a trial date set right now?</p> <p>2 A. No, sir. Mr. Luker, who is</p> <p>3 our attorney, said he will ride it out as</p> <p>4 long as he could.</p> <p>5 Q. Where did that wreck occur?</p> <p>6 A. November the 23rd.</p> <p>7 Q. I'm sorry, where?</p> <p>8 A. On 280.</p> <p>9 Q. In which county?</p> <p>10 A. Talladega County.</p> <p>11 Q. Was that in the city or just</p> <p>12 out in the county?</p> <p>13 A. Yes, in the city.</p> <p>14 Q. Which city, Talladega?</p> <p>15 A. Talladega County, City of</p> <p>16 Sylacauga.</p> <p>17 Q. If Bryan were released today,</p> <p>18 would you allow him to move back into your</p> <p>19 house?</p> <p>20 A. No, sir.</p> <p>21 Q. Why not?</p> <p>22 A. When he blanks out like he</p> <p>23 does, he don't know what he's doing, where</p>
<p style="text-align: right;">Page 126</p> <p>1 been pretty much worried with it.</p> <p>2 Q. You've been busy with your</p> <p>3 wife's mother?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. I understand.</p> <p>6 A. She is not able to get out of</p> <p>7 bed, so we have to go and do what we can.</p> <p>8 Q. If Bryan wanted to leave the</p> <p>9 Ensley facility right now, could he?</p> <p>10 A. No, sir.</p> <p>11 Q. Why not?</p> <p>12 A. It's court ordered that he</p> <p>13 stay.</p> <p>14 Q. Okay. Is that court order</p> <p>15 indefinite?</p> <p>16 A. Well, until he goes to court</p> <p>17 on the car wreck.</p> <p>18 Q. I understand. So he's there</p> <p>19 in lieu of being in a jail; is that right?</p> <p>20 A. Yes.</p> <p>21 Q. Awaiting trial on the charges?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And you do not know if there's</p>	<p style="text-align: right;">Page 128</p> <p>1 he's at.</p> <p>2 Q. Is that threatening to you in</p> <p>3 some way?</p> <p>4 A. Well, it's not threatening to</p> <p>5 me, because I can sit down and talk to Bryan</p> <p>6 and talk him out of that. But when he goes</p> <p>7 into this staring situation, it's always Al</p> <p>8 Bradley. Al Bradley. And he may look at</p> <p>9 you and think you're Al Bradley.</p> <p>10 Q. Has he talked to you like you</p> <p>11 were Al Bradley before?</p> <p>12 A. No, sir.</p> <p>13 Q. Have you seen him talk to</p> <p>14 anyone else like they were Al Bradley,</p> <p>15 before?</p> <p>16 A. One occasion when he was</p> <p>17 beating that doll.</p> <p>18 Q. You said doll?</p> <p>19 A. (Witness nods head</p> <p>20 affirmatively.)</p> <p>21 Q. I guess my question is has he</p> <p>22 done that to a person?</p> <p>23 A. No, sir.</p>

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## FREEDOM COURT REPORTING

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1 **Q. Any other reason why you**  
2 **wouldn't let him move back into your house?**

3 A. Well, that scares me when  
4 he -- when someone loses control of their  
5 mind, and they don't even know who they are,  
6 and the only thing that they can think about  
7 is Al Bradley.

8 **Q. Have you and your wife**  
9 **discussed whether or not you'd let Bryan**  
10 **come back to the house?**

11 A. Yes, sir.

12 **Q. What is her opinion of that?**

13 A. We want him in a facility  
14 where he can get -- See, they can --

15 **Q. I'm asking you what your**  
16 **wife's opinion is.**

17 A. She was the same as me. She  
18 wants to be able to put Bryan in a place  
19 where he can get help. And when he was at  
20 Hillcrest, they wanted to do shock  
21 treatments and burn that part of his brain  
22 out.

23 **Q. Who is they that wanted to**

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1 **give him shock treatment?**

2 A. The doctors.

3 **Q. Which doctors?**

4 A. There's been so many doctors.

5 **Q. Whoever this doctor or doctors**  
6 **were, did they discuss these shock**  
7 **treatments with you?**

8 A. No, sir.

9 **Q. Who did they discuss them**  
10 **with?**

11 A. With Bryan.

12 **Q. All right. So is it fair to**  
13 **say that you only know about the shock -- or**  
14 **the proposed shock treatments through Bryan?**

15 A. Yes.

16 **Q. I'm almost done here,**  
17 **Mr. Kelley.**

18 MR. WILLFORD: Mr. Kelley  
19 that's all I have. Thank you very much.

20 MS. MCDONALD: I don't have  
21 anything else.

22 (The deposition was concluded at 12:50 p.m.,  
23 September 24th, 2007.)

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1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA,

3 ELMORE COUNTY,

4 I, Sara Mahler, Certified Shorthand  
5 Reporter and Commissioner for the State of  
6 Alabama at Large, do hereby certify that the  
7 above and foregoing proceeding was taken  
8 down by me by stenographic means, and that  
9 the content herein was produced in  
10 transcript form by computer aid under my  
11 supervision, and that the foregoing  
12 represents, to the best of my ability, a  
13 true and correct transcript of the  
14 proceedings occurring on said date and at  
15 said time.

16 I further certify that I am neither  
17 of kin nor of counsel to the parties to the  
18 action; nor in any manner interested in the  
19 result of said case.

20

21

22 Sara Mahler, CSR,  
for the State of  
23 Alabama at Large.

33 (Pages 129 to 131)

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